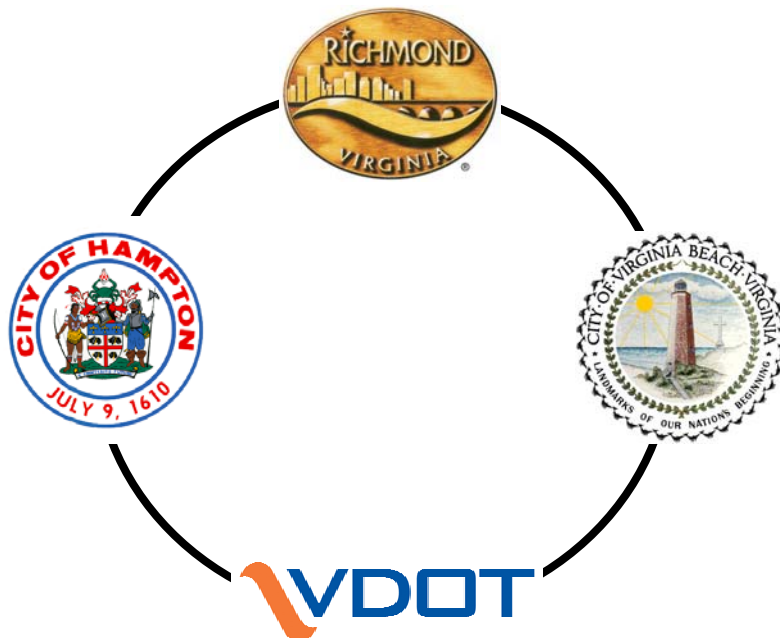


# **Local Administration of Urban System Construction Program**

## **Program Development Guide Virginia Department of Transportation**



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**LOCAL ADMINISTRATION OF  
URBAN SYSTEM CONSTRUCTION PROGRAM**

**PROGRAM DEVELOPMENT GUIDE**

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## **LOCAL ADMINISTRATION OF URBAN SYSTEM CONSTRUCTION PROGRAM**

### **I. INTRODUCTION**

Section 33.1-23.3 of the Code of Virginia provides that a municipality may decide to assume the responsibility for their construction program by notifying the Commonwealth Transportation Board (CTB) by July 1, for implementation the following fiscal year. Municipalities which take advantage of this program are expected to adhere to CTB policies and procedures. Copies are available by contacting the Local Assistance Division (LAD) of the Virginia Department of Transportation (VDOT). The construction fund payments shall be made no later than the 30<sup>th</sup> day of September, December, March and June and shall be reduced by the amount of federal-aid construction funds that are forecasted to be available for each municipality. The quarterly payments are further reduced by the amount of funds forecasted to be expended by VDOT or the Department of Rail and Public Transportation (DRPT) for any prior projects requested by a municipality and administered by the Department(s). The federal funds are made available as a qualifying project is implemented. The projected amount of a municipality's allocation that is federally funded is determined on a yearly basis.

The quarterly payments may be deposited in an interest bearing account by the municipality if they are not immediately needed for project expenses. Any interest accrued belongs to the municipality but must be used for transportation improvement purposes and has to be accounted for in the same manner as the quarterly payments.

When a municipality decides to take advantage of this program an administration agreement is needed between the municipality and VDOT. This agreement spells out the terms for a municipality to take advantage of this program. A sample [administration agreement](#) is contained within Appendix C of this document.

This Guide has been developed to provide background information, direction, and requirements to those municipalities participating in this program. It has been developed by LAD, who should be contacted with program level questions or comments. VDOT's Construction Districts will be the primary contact for project implementation questions. [Contact information](#) is included in Appendix Q of this document. A district coordinator will be selected for each district.

The guidelines are separated into the three major phases of a normal project – preliminary engineering, right-of-way, and construction. They are further separated as appropriate into a discussion of federally funded and state funded only projects by subject matter. They are not meant to stand alone; therefore, the user is encouraged to read these complete guidelines and consider them in their entirety and to seek further guidance or assistance as necessary either through the references listed or by contacting LAD. An overview of these [requirements](#) is included in Appendix N. Included in Appendix A are charts depicting the likely steps for two scenarios of project development: a) [a two-hearing process](#) and b) [a one-hearing process](#) for federal projects. Also included is a [checklist for locally administered federal projects](#) which

should serve as a reminder to the municipality of important (in some cases regulatory) milestones; this is included in Appendix B. This list should be modified as necessary for individual projects.

Further, the guidelines will be periodically updated, as more experience is gained by VDOT and the municipalities in administering this program, and the most current version will be kept on VDOT's External Website. These guidelines incorporate the Federal Highway Administration's (FHWA) expectation of VDOT to initially play a strong oversight role in the development of a municipality's construction program. Although at the onset VDOT's oversight will be very similar to its current role in locally administered projects, this oversight is envisioned to decrease as the program progresses, except in the case of regulatory requirements. This process is equated to that of how FHWA oversight of VDOT's managed programs has evolved over the years. VDOT expects the progression of this oversight program to be just as successful.

## **II. PRELIMINARY ENGINEERING**

### **A. Project Initiation & Authorization**

#### **Federally Funded Projects**

Before a municipality can initiate the Preliminary Engineering (PE), Right-of-Way (R/W), or Construction (CN) Phase for federally funded projects, they must contact LAD to formally request that VDOT obtain a federal agreement to authorize a particular phase. Prior to that request, the municipality is responsible for ensuring that the project is in the approved State Transportation Improvement Plan (STIP), and where appropriate, in the Metropolitan Planning Organization's (MPO's) Financially Constrained Long Range Transportation Plan and in the MPO's Financially Constrained Transportation Improvement Program. It also must be included in the [CTB's Six Year Improvement Program \(SYIP\)](#). The amount of funding to be placed under agreement for a particular phase is also required, and if it is different from that shown in the SYIP, an explanation must be provided. This explanation should include a proposed source for any additional funding. For initiating PE on a project, a copy of the municipality's programming resolution, asking VDOT to establish the project, or a copy of the municipality's ordinance adopting their Construction Improvement Program (CIP) should be attached. A [sample project resolution](#) is included in Appendix D. A resolution that includes all of a municipality's projects may be submitted in lieu of individual project resolutions. Once a request is made, a normal federal agreement takes ten (10) business days to complete. It is important that the municipality not incur any expenses until authorization from FHWA is received from VDOT. Failure to follow federal guidelines will result in withdrawal of federal funds. This same process needs to be repeated to obtain federal authorization for the R/W and CN Phases.

In order for a municipality to include a project in the SYIP, the request must be submitted to LAD by December 1 of each year. This submission should include a schedule of development and a cost estimate prepared in VDOT's Project Cost Estimation System (PCES). Access to PCES will be provided to the municipalities.

Before a new project is added to the SYIP, a public hearing is required under State statutes. The municipality is responsible for holding this hearing. For purposes of this program, the public hearing that the municipality holds for the adoption of its CIP will meet this requirement. In order for projects to be included in the upcoming SYIP a public hearing must be held prior to the December 1 deadline discussed in the paragraph above. Therefore, if the CIP public hearing is held in the spring, a new project will not be eligible to be added to the SYIP until the following year.

If a municipality wants to pursue a project under the design-build concept or the Public Private Transportation Act (PPTA), some requirements in these guidelines may be different. In these cases, LAD should be contacted before initiating a project under either of these scenarios.

### **State Funded Only Projects**

For state funded only projects, no project programming resolution is needed and the municipality may begin work without any prior authorization. The municipality is responsible, however, for complying with other requirements such as SERP, see Appendix F.

A public hearing is still required. Again, for purposes of this program the public hearing that the municipality holds for the adoption of its CIP will meet this requirement.

If a municipality wants to pursue a project under the design-build concept or the Public Private Transportation Act (PPTA) some requirements in these guidelines may be different. In these cases, LAD should be contacted before initiating a project under either of these scenarios.

Federal Reference – 23 CFR 630 and 23 CFR 627

State Reference – Sections 51.5-40 and 33.1-18 of the Code of Virginia

## **B. Environmental Processes**

### **Federally Funded Projects**

A detailed discussion of [environmental requirements](#) for federally funded projects is included in Appendix F. In addition, VDOT's website provides additional guidance and technical assistance on environmental requirements.

[www.virginiadot.org/business/environmental\\_requirements\\_local.asp](http://www.virginiadot.org/business/environmental_requirements_local.asp)

### **State Funded Only Projects**

A detailed discussion of [environmental requirements](#) for state funded only projects is included in Appendix F. In addition, VDOT's website provides additional guidance and technical assistance on environmental requirements.

[www.virginiadot.org/business/environmental\\_requirements\\_local.asp](http://www.virginiadot.org/business/environmental_requirements_local.asp)

## **C. [Consultant Procurement](#)**

### **Federally Funded Projects**

A municipality may decide to augment its staff by hiring an outside firm to assist them. The municipality, as the recipient of the state or federal funds, is responsible for adhering to all applicable federal and state requirements, including state procurement laws. VDOT is available to assist in consultant selection if requested. VDOT's "[Guide for the Procurement and Management of Professional Services](#)" has been approved by FHWA and should be utilized by a municipality when procuring such services, except for items unique to internal VDOT structure.

If a municipality elects to develop and utilize its own procurement guidelines, they must be pre-approved by VDOT and subsequently by FHWA.

### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

Federal Reference – 23 CFR 172

State Reference – Chapter 43, Section 2.2 of the Code of Virginia

## **D. [Value Engineering](#)**

### **Federally Funded Projects**

Federal regulations outline requirements for value engineering (VE) studies. The Code of Virginia further defines these regulations and requires a VE study on all projects exceeding \$5 million in construction cost. VDOT is responsible for conducting these studies by law and as such, all reports must be submitted to VDOT. There is a provision for waiver of this requirement which also must be submitted to VDOT for approval. The VE report consists of recommendations for changes to the proposed project. The final decision as to which recommendations are to be incorporated into the final project may be made by a person of responsible charge from the municipality.

### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

Federal Reference – 23 CFR 627

State Reference – Section 33.1-190.1 of the Code of Virginia

## **E. [Location Approval](#)**

### **Federally Funded Projects**

State law requires the CTB to approve all locations of roads if a new alignment is involved. CTB approval is not needed for the design in these cases. VDOT will be responsible for coordination with FHWA where needed. VDOT's "[Public Involvement](#)

[Policy and Procedure Manual](#)" details the format and the type of information to be submitted in order for the CTB to evaluate such requests.

The CTB meets on the third Thursday of those months in which it holds a meeting, so the length of time required to get a decision will depend on when in the month the information is received and whether or not the CTB is holding a meeting that month. A [schedule of meeting dates for 2004](#) is in Appendix L, along with deadlines for submitting material to VDOT for action at a particular CTB meeting.

### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

Federal Reference – 23 CFR 771

State Reference – Sections 33.1-12 and 33.1-18 of the Code of Virginia

## **F. [Plan Review](#)**

### **Federally Funded Projects**

The municipality must design a project so that it meets minimum American Association of State Highway and Transportation Officials (AASHTO) standards. A municipality may have different standards that meet or exceed AASHTO standards, but these need to be reviewed and approved by VDOT and FHWA before they are authorized for usage. The municipality must ensure that design flexibility does not jeopardize safety and mobility.

VDOT is required by FHWA to certify that the plans have been developed in accordance with applicable federal and state laws and regulations. To accomplish this, VDOT's Project Coordinator should attend the project scoping meeting to gain an understanding of the project and to offer advice, guidance, and consultation. Plans should be reviewed by VDOT at the pre-hearing stage, to eliminate any potential conflicts before the project is presented to the public, at the pre-right of way stage, and at the pre-advertisement stage. Depending on the scope and complexity of the project, it may be possible to minimize reviews and eliminate a pre-hearing and/or a pre-right of way hearing stage review. Small-scale projects may only require informational meetings to introduce and describe the project.

Reviews will focus on relative completeness of the plans, comprehensiveness, constructability, and adherence to sound engineering practice and principles and will not focus on format, packaging, etc. VDOT will not be looking at "format" issues, per se, but at what makes the plans have value for subsequently advertising and constructing the project.

VDOT has a number of manuals available through its web site, using the business networks tab, that would be helpful in project design. A [list of these publications](#) is included in Appendix G. As mentioned previously, a [checklist](#) depicting the steps needed for project development for city-administered projects is also included in Appendix B.



VDOT has policies and procedures regarding lighting, underground installation of utilities, and landscaping in reference to plan development. [These policies and procedures](#) are also noted in Appendix G. Exceptions to these policies and procedures could be granted by VDOT on a case-by-case basis.

### **State Funded Only Projects**

These projects must also be designed to meet minimum AASHTO standards. As with federally funded projects, a municipality may have different standards that meet or exceed AASHTO standards, but these must be reviewed and approved by VDOT before they are authorized for use. The municipality must again ensure that design flexibility does not jeopardize safety and mobility.

Spot plan reviews will be done on a case-by-case basis.

VDOT has a number of manuals available through its web site that would be helpful in project design. The [list of publications](#), policies and procedures are included in Appendix G.

## **G. [Design Exceptions](#)**

### **Federally Funded Projects**

For various reasons, it occasionally becomes necessary to pursue an exception to minimum AASHTO standards.

When an exception is needed, the municipality must submit a request to VDOT's State Location and Design Engineer or the State Structure and Bridge Engineer as appropriate on [Form LD-440](#), included in Appendix M, through the Project Coordinator. This should include reasons and justifications for the exception request. Reference [IIM-LD-227](#), discusses requirements for processing design exceptions. Approval from the FHWA will be required for design exceptions for National Highway System projects and for federal oversight projects. Any approved design exceptions must be shown on the plan assembly title sheet. The municipality may assume the exception is approved if no response is received from VDOT in twenty (20) business days after submitting a complete design exception package.

### **State Funded Only Projects**

This is generally the same as for Federally Funded Projects, please see above. The municipality may assume the exception is approved if no response is received from VDOT in twenty (20) business days after submitting a complete design exception package.

Federal Reference – Title 23, US Code 109 and 23 CFR 625

## **H. Public Involvement**

### **Federally Funded Projects**

The municipality is responsible for ensuring that the opportunity for public involvement is provided in accordance with the [Department's Public Involvement Policy and Procedure Manual](#). The term "public involvement" is meant to be all-encompassing including those instances where a willingness notice is justified. Some projects will require a two-hearing process while others may only need one hearing. [Department Policy Memorandum \(DPM\) 11.1](#), which is based on the Code of Virginia, details what kind(s) of public hearing(s) are required for which projects.

Federal Regulations require each state to have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 U.S.C. 128 and 40 CFR parts 1500 through 1508. This requirement includes submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript must be accompanied by copies of all written statements from the public, both submitted at the public hearing and during an announced period after the public hearing, along with the municipalities response to the public's questions and statements. These requirements are covered in VDOT's "[Public Involvement Policy and Procedure Manual](#)".

### **State Funded Only Projects**

Same as Federally Funded Projects, please see above.

Federal Reference – 23 CFR 771

State Reference – Sections 51.5-40 and 33.1-18 of the Code of Virginia

## **III. RIGHT-OF-WAY**

### **A. Right-of-Way Environmental Re-evaluation**

#### **Federally Funded Projects**

VDOT re-evaluates environmental documents prior to requests for FHWA approvals, such as R/W authorization. The purpose of this re-evaluation is to ensure the environmental document adequately addresses the current project. The re-evaluation at R/W determines that the right-of-way proposed for acquisition is consistent with that evaluated in the original environmental document. If the re-evaluation determines a difference between the proposed project and the previously approved environmental document consultation with FHWA will determine the need for further study. This situation would need to be addressed before right-of-way funds can be authorized and may require additional coordination efforts by the municipality. In some cases, a new public hearing or a new environmental document may be required.

The municipality is responsible for providing the data necessary for VDOT to perform the environmental document re-evaluation prior to R/W authorization ([See LD-441](#));

and submitting the information to VDOT's Project Coordinator. VDOT will subsequently submit to FHWA for concurrence and R/W authorization. The municipality must ensure that the VDOT Project Coordinator is provided copies of all documentation necessary to complete the re-evaluation, (see [Appendix F](#)).

#### **State Funded Only Projects**

No right-of-way re-evaluation is required.

Federal Reference – 23 CFR 771

### **B. [Authorization](#)**

#### **Federally Funded Projects**

When the municipality is ready to initiate the right-of-way phase for a federal project, a request must be submitted to VDOT's Project Coordinator. The municipality will need to submit copies of final right-of-way plans, the information necessary for VDOT to complete the environmental re-evaluation, a cost estimate, and the cost for utilities, broken down by utility company for cost accounting purposes. VDOT's Project Coordinator will then initiate the R/W evaluation process. Normally, this authorization will take ten (10) business days. For federal projects, it is important for the municipality not to incur any right-of-way expenses until federal authorization is received. If appropriate federal authorization has not been received the locality is at risk of not being reimbursed for expenditures. Also, if additional funds are needed, other than those shown in the SYIP, a source for these needs to be identified by the municipality. Please note that if the municipality incurs R/W expense prior to FHWA authorization they risk loss of federal participation in the project.

#### **State Funded Only Projects**

When the municipality is ready to initiate the right-of-way phase, the municipality can do so without prior authorization from VDOT.

### **C. [Land Acquisition](#)**

#### **Federally Funded Projects**

The municipality must not begin the purchase of right-of-way until authorization is received from VDOT. The purchase of right-of-way, the relocation of families, businesses, and utilities must be performed in accordance with the procedures outlined in the Code of Virginia as referenced below and CFR-23 and 40. Failure to follow these steps may result in the loss of funding participation and failure by the courts system to approve any eminent domain acquisition to obtain the needed right-of-way.

VDOT's Right-of-Way and Utilities Manual outlines these procedures and is incorporated by reference. A hard copy of this manual can be obtained by contacting the Right-of-Way Division directly. Advance R/W and protective buying

purchases are discussed in the manual, and a municipality is subject to strict rules for reimbursement from both VDOT and FHWA. There may be instances where the direction outlined in the Manual can not legally be followed by the municipality. Any avoidance of procedures therein will be approved in writing by VDOT prior to initiation.

The municipality is responsible for identifying and addressing all hazardous materials-related issues for projects. This information is documented and given to the VDOT Project Coordinator in the Hazardous Materials Due Diligence Certification form (EQ-121). It is not necessary that all hazardous materials issues be resolved prior to submission of the form; however a plan must be in place to ensure resolution. The form must be submitted prior to R/W authorization. All properties to be used as R/W must receive an appropriate level of study including any locality-owned, proffered, or donated properties. The municipality must also communicate any outstanding contamination issues to its construction contractors to ensure adequate precautions are taken to provide safe working conditions.

#### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

Federal Reference – 49 CFR 24, CFR 23 and 40

State Reference – Title 25 and 33 of the Code of Virginia

### **D. Utilities**

#### **Federally Funded Projects**

Under state law, private utility companies can be reimbursed for moving utilities in conflict with the project, at project expense, when located on easement or having prior rights in the existing location. It is recognized that some municipalities have franchise agreements with utility companies that require the company to move its utility because of a project, at the company's expense. In that case, the municipality should enforce the terms of its agreements and save project funds. However, in the case of municipally owned facilities, the municipality is required to pay for relocations to resolve conflicts with roadway construction.

In order to pay for utility adjustments at project expense, a detailed utility plan and estimate needs to be developed. Eligible project expenses for utilities basically should result in replacing in-kind any utilities which are in conflict with the project. In accordance with the above, it is recognized that in some instances the municipal utility facility owner may want to provide upgraded utilities or to put in new utilities while the highway is being disturbed for construction purposes. This is known as "betterment", but it is not an eligible project cost. As it makes sense to do this betterment work at the same time the project is being constructed, the contractor may perform the work during construction, with the municipal utility facility owner being responsible for the cost of the betterment portion from a different funding source.

**State Funded Only Projects**

Same as Federally Funded Projects – please see above.

Federal Reference – 23 CFR 645

State Reference – Section 33.1-56 of the Code of Virginia

**IV. CONSTRUCTION****A. Environmental Re-evaluation****Federally Funded Projects**

As is the case when moving from the preliminary engineering phase to the right-of-way phase, a re-evaluation of the environmental document is required when a project progresses to the construction phase. The same conditions apply concerning changes in a project's scope which could require additional coordination efforts by the municipality. The municipality is responsible for providing VDOT with the data necessary to allow VDOT to perform the re-evaluation. A copy of the plans must be submitted to the VDOT Project Coordinator so that the re-evaluation may be completed and forwarded for approval to FHWA. This re-evaluation is referred to as the "PS&E re-evaluation" (form EQ-200). For additional information see [Appendix F](#). If the re-evaluation determines a difference between the proposed project and the previously approved environmental document, consultation with FHWA will determine the need for further study.

**State Funded Only Projects**

No re-evaluation is required.

Federal Reference – 23 CFR 771.129(c)

**B. Environmental Certification****Federally Funded Projects**

All projects, regardless of funding source, require review and certification by the VDOT District Environmental Manager that all environmental activities necessary to advertise a project for construction have been completed. This certification must occur prior to authorization for advertisement and is included in [the checklist](#) discussed in Section D – Advertisement – Contract Letting. VDOT's Project Coordinator will notify the District Environmental Manager when the Environmental Certification has been completed. Environmental Certification documented on VDOT for EQ-103. For additional information refer to Appendix F.

**State Funded Only Projects**

Same as Federally Funded Projects – please see above.

Federal Reference – 23 CFR 771

**C. [Authorization](#)**

**Federally Funded Projects**

When a federal project is ready to be advertised for construction, the municipality must first receive the project advertisement authorization from FHWA. [FHWA Certification](#), Appendix I, lists the information that the municipality must submit to VDOT's Project Coordinator. In addition the municipality must certify that the criteria contained in the [checklist](#), Appendix O, discussed in Section D – Advertisement – Contract Letting, has been met. Normally it takes fifteen (15) business days to obtain federal approval for a project. For federal projects, it is important for the municipality not to advertise the project until authorization is received. Also, if additional funds are needed from those shown in the SYIP, a source needs to be identified.

**State Funded Only Projects**

When the municipality is ready to initiate the construction phase, the municipality can do so provided that the environmental certification discussed above in section B is completed.

Federal Reference – 23 CFR 635

**D. [Advertisement – Contract Letting](#)**

**Federally Funded Projects**

The municipality is responsible for following all federal and state procurement laws and requirements in the letting of a contract. VDOT can provide information on requirements for projects and provide assistance as necessary. A list entitled "[Advertisement for Construction](#)" is included in Appendix J as a guide. In addition special regulations must be addressed, such as: Civil Rights, DBE, Davis Bacon rates, Buy America, no vendor negotiations, and 21 day advertisements. The [Virginia Public Procurement Act](#) discusses such items as how a project is to be advertised, how a selection is to be made, bonding, insurance, and audits. For your convenience a [procurement checklist](#) has been provided in Appendix P. Current state law requires the CTB to let all contracts above \$2 million in value. The locality can award contracts under \$2 million in value. A [checklist](#) has been developed, Appendix O, depicting the criteria that must be certified by the municipality before a contract is let or advertised.

By signature of a person of responsible charge from the municipality, the municipality must certify on the title sheets that the plans are complete, constructable, biddable (ready for contract advertisement), necessary right-of-way has been addressed and accounted for, and all permits necessary for construction have been obtained by the municipality. The municipality is also certifying by the signature that the plans were prepared by staff or consultants that exercised the

appropriate standard of care and followed accepted standards, procedures, policies, methods of practice, etc., that are consistent with the engineering and design of plans for such work. The plans being signed and sealed by a professional engineer in responsible charge of the work and duly registered to practice engineering in the Commonwealth of Virginia is considered evidence of such certification.

Sole Source and Proprietary procurements are often confused. A sole source is when there is only one practicable source available. Competition is not available. It is very rare that any highway item or work is from a sole source. Occasionally, proprietary work or items are required in highway work, usually having to do with signal or technology products. Proprietary products are where the item is available from only one *source*, but are sold by a number of *vendors*. Competition between vendors is possible. The law treats them very differently. Sole source may require executive authorization.

For proprietary items, State laws allow for products that are equal to brand names unless the Invitation to Bid states specifically that only the brand name is acceptable. Guidance is available in the [State Agency Procurement Manual](#), Chapter 8. In the case of Federally Funded projects, both Sole Source and Proprietary procurements are considered restrictive and require the concurrence of the Federal Division Administrator. Guidance can be obtained from the FHWA Contract Administration Reference Guide on Patented/Proprietary Products and in federal regulations.

### **State Funded Only Projects**

Same as Federally Funded Projects with the exception of the special federal regulations discussed above.

In addition, when the municipality is ready for the CTB or the Commissioner to let the project, the request should be submitted to VDOT's Project Coordinator, with a cover letter signed by a person of responsible charge from the municipality, certifying that all state environmental, design, right-of-way, fiscal and civil rights regulations have been met as outlined in [checklist](#) in Appendix O.

Federal Reference – 23 CFR 635

State Reference – Sections 2.2-4300, 2.2-4303, 2.2-4315 and 33.1-12

## **E. [Permits](#)**

### **Federally Funded Projects**

The municipality is responsible for obtaining and complying with all necessary regulatory approvals, permits, and licenses for each project. The municipality must design its projects in accordance with the Virginia Erosion and Sediment Control Law and Regulations, the Virginia Stormwater Management Law and Regulations, the Virginia Pollutant Discharge Elimination System Permits, and the Chesapeake Bay Preservation Act, referenced below. VDOT will not be involved in the municipality's

efforts to obtain the regulatory approvals, permits, or licenses. However, copies should be provided to the VDOT Project Coordinator for environmental certification of the project. This compliance should be documented for VDOT by the municipality on the Water Quality and Natural Resources Due Diligence certification form (EQ-555; see Appendix F).

**State Funded Only Projects**

Same as Federally Funded Projects – please see above.

Federal Reference – 33 USC 1341, 33 USC 1344, 33 USC 403, 16 USC 1531, 40 CFR 122, et al.

State Reference – Virginia Erosion and Sediment Control Law and Regulations, §10.1-561 et seq. and 4VAC50-30-10 et seq., Virginia Stormwater Management Law and Regulations, §10.1-603.1 et seq. and 4VAC3-20-10 et seq., Virginia Pollutant Discharge Elimination System Permits, Title 62.1-44.15.5 and the Chesapeake Bay Preservation Act.

**F. Construction Monitoring**

**Federally Funded Projects**

Federal regulations require that VDOT monitor construction to ensure all environmental commitments made in SERP and in the NEPA document are implemented.

**State Funded Only Projects**

To ensure compliance with SERP, VDOT will monitor during construction to ensure all environmental commitments made in the SERP are implemented.

Federal Reference – 23 CFR 771

State Reference – Section 10.1-1188

**G. Change Orders/Funding Changes**

**Federally Funded Projects**

On some projects, it becomes necessary to account for unanticipated work after the project contract is let. This results in a change order, which in most cases results in an increase in contract price. The municipality must ensure that sufficient funding is available to cover any increased costs. If a change is needed in the federal agreement, the municipality must submit to LAD the additional amount needed and the justification for the increased amount. There may also be occasions when the municipality desires to transfer funds between active projects, which in turn may alter the project schedule as shown in the current SYIP. In these instances, the municipality must submit to LAD the amount to be transferred between projects, along with justification and new project schedule revisions.



The municipality has authority to approve change orders for non-federal oversight projects. However, funding adjustments must be made to cover any additional costs.

**State Funded Only Projects**

The municipality has authority to approve change orders for state funded projects. However, funding adjustments must be made to cover any additional costs.

Federal Reference – 23 CFR 635

State Reference – Section 2.2-4309 of the Code Virginia

**H. Claims**

**Federally Funded Projects**

If a contractor files a notice of intent to file a claim, the municipality is responsible for attempting to resolve the matter before it results in an actual claim. If this is unsuccessful, the contractor has sixty (60) days after project completion to file the claim. VDOT will become involved only as requested by the locality and to the extent of determining the eligibility of any additional costs to the project and any changes in the federal funding participation. FHWA and VDOT approval is required before any settlement is reached with the contractor.

**State Funded Only Projects**

The municipality is responsible for attempting to resolve the matter before it results in an actual claim.

**I. Post Construction**

**Federally Funded Projects**

When a project is completed the municipality should submit to VDOT a copy of as built bridge and road plans in an electronic format, tag image files (.tif).

**State Funded Only Projects**

Same as Federally Funded Projects – please see above.

**V. FISCAL / AUDIT / BUDGET**

**A. Audits and Compliance with OMB Circular A-133**

**Federally Funded Projects**

A random audit may be conducted of basic construction and project records, to verify compliance with applicable federal and state laws and regulations and any requirements within the standard agreement and/or these guidelines. Project records must be maintained for no less than three (3) years following FHWA acceptance of the final voucher, and the municipality shall make such records

available to VDOT upon request. Documentation for pre-qualifying contractors and consultants must be submitted to VDOT through LAD prior to the signing of a contract for work. VDOT will respond within sixty (60) days after submittal of a complete pre-award package. Details of the package can be found in VDOT's "[Guide for the Procurement and Management of Professional Services](#)."

As a condition of receiving federal and state funds, the municipality is required to conduct a yearly independent audit of its expenditures. As part of this audit, the auditors must certify that the funds under this program have been expended in accordance with applicable federal and state laws and regulations. This is similar to the statement required for certifying fiscal expenditures under VDOT's current street payment program.

VDOT is a pass-through entity of federal awards, meaning it is a non-federal entity that provides federal awards to sub-recipients to carry out federal programs. The Virginia Localities, Municipalities, Metropolitan Planning Organizations (MPOs), and Planning District Commissions (PDCs) are sub-recipients of federal awards, meaning they are non-federal entities that spend federal awards received through VDOT to carry out a federal program, but do not include an individual that is a beneficiary of such a program.

All sub-recipients must comply with the requirements of [OMB Circular A-133](#) Subpart C – Auditees, Section 300, Auditee Responsibilities (e). For VDOT, this requirement is that "the auditee shall ensure that the single audits required are properly performed and submitted within sixty (60) days of the audit being completed to the External and Construction Audit Division (ECAD) of VDOT. The auditee will provide access to any relevant records and financial statements as necessary to ensure such compliance." This requirement is to be followed by all localities.

Within 150 days of the audit being received by ECAD they will:

- Review the single audits to ensure that sub-recipients expending \$500,000 or more in Federal awards during the sub-recipient's fiscal year have met the audit requirements of OMB Circular A-133, Subpart B – Audits, Section 200.
- Submit a written report to the responsible Program Manager (LAD), detailing any sub-recipient audit findings identified in the Schedule of Findings and Questioned Costs related to VDOT pass-through Federal awards.

As provided in OMB Circular A-133 Subpart D – Federal Agencies and Pass-Through Entities Responsibilities, Section 405, Management Decision (c), the pass-through entity Program Manager shall be responsible for:

- Notifying the sub-recipient of the audit findings that relate to the federal awards and requesting from the sub-recipient certification that appropriate and timely corrective action has been taken.

- Notifying the Fiscal Division of VDOT of the audit findings that relate to the federal awards for Fiscal Division's determination of whether the sub-recipient audit findings necessitate adjustment of VDOT's own financial records.

When the pass-through entity Program Manager has followed the steps prescribed above, they will notify VDOT's Chief Financial Officer (CFO). The CFO will take appropriate action, including but not limited to, notifying the State Comptroller and the Auditor of Public Accounts.

### **State Funded Only Projects**

The above paragraphs concerning random audits, retention of project records, pre-qualifying contractors and consultants, and the independent audits all apply to state funded projects.

## **B. Recovery of VDOT Costs**

### **Federally Funded Projects**

It is recognized that VDOT will have various costs associated with the administration of this program. For routine administrative activities such as overhead, providing assistance, answering questions, providing guidance, and paying vouchers, no fee will be charged to a municipality.

VDOT may agree to provide specific project services for which considerable manpower and financial resources are needed, such as: preparation of environmental documents, purchasing right-of-way, etc. In these instances, an independent administrative agreement will be prepared, and VDOT will direct bill the municipality on a cost basis.

A third category of cost to VDOT is for such activities as providing certification, SERP, or an oversight function such as reviewing plans, and administering the Civil Rights and Environmental Programs. In these instances, VDOT will direct bill the municipality. For a particular project, the municipality should contact the Project Coordinator and ask for an estimate for services.

### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

## **C. Federal Funding**

### **Federally Funded Projects**

State law requires that in addition to funding committed to ongoing projects administered by VDOT/DRPT, the portion of a municipality's allocation that is federal funding is also withheld. All federal funds have expiration dates for obligation of funds, which basically means that these funds will lapse at a specified time, typically four years after the funds are allocated by FHWA. Therefore, it is incumbent on each and every user of federal funding to implement projects in a timely manner to

prevent this loss. A lapse of funding in any municipality may have a detrimental effect on the entire state. For example, a state that does not expend its original federal allocations in any area is not eligible for additional federal discretionary funds.

The standard agreement states that the municipality will attempt to have all federal funds obligated within a three-year period. When a particular phase of a federal project is authorized by agreement with FHWA, all of the funding associated with that authorization is considered obligated at that time even though the funds have not been spent. It is recognized however that there are cases where this is not feasible, such as the necessity to accumulate funds for a large cost project. In cases where a municipality may not be able to obligate its federal allocation within the three-year period, a letter should be sent to LAD outlining the reasons and the amounts involved. These will then be reviewed by VDOT on a case-by-case basis.

The estimated amount of a municipality allocation that is federal-aid will be communicated to the municipality by December 31<sup>st</sup> of each year, and will be determined by the amount of federal and state revenues that are available to be distributed through the state system distribution formulas.

#### **State Funded Only Projects**

Not applicable.

### **D. Processing of Invoices**

#### **Federally Funded Projects**

As per the standard agreement, the municipality may submit to VDOT an invoice for each project that the municipality requests reimbursement on a monthly basis. A project level invoice, accompanied by supporting documentation, should be submitted to LAD. The supporting documentation should include copies of invoices paid by the municipality and a to-date project summary schedule, tracking payment requests and any adjustments. In lieu of copies of invoices paid by the municipality, a one-page summary of what documentation the municipality has on file may be used, provided that it is signed by the Director of Finance. Appendix K includes an attachment entitled "[Urban Allocations Paid Directly to Urban Localities](#)" that contains a sample submission showing all of the information needed for reimbursement, including [documentation of the municipality's required two percent \(2%\) match](#) and a [project status report for state funded projects](#) which is required to be submitted on an annual basis. A municipality is entitled to bill for indirect costs, provided that they have an FHWA approved Indirect Cost Plan.

VDOT will reimburse the municipality within thirty (30) days of receipt of an acceptable invoice. The amount may be reduced if a project does not have sufficient federal allocations shown in the SYIP.

#### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

#### **E. Non-completion of Projects**

##### **Federally Funded Projects**

See discussion below for State Funded Only Projects. Similarly, the municipality is responsible for the reimbursement of federal funds in instances where federal projects are not completed.

##### **State Funded Only Projects**

In those cases where a municipality starts a project and then subsequently cancels it, state law requires that the municipality is responsible for reimbursing the CTB the net amount of all funds expended by the CTB for planning, engineering, right-of-way acquisition, demolition, relocation, and construction to the date of cancellation. The law further has provisions for the CTB to forgive this obligation under extenuating circumstances.

Even though the law specifically states that the CTB is to be reimbursed, the spirit of the law is to prevent a municipality from starting and then stopping projects and thus using highway construction funds without addressing a transportation need. Under this program, if a municipality starts and then subsequently stops a project, the municipality is responsible for reimbursing these funds for allocation to another eligible project regardless of who performs the work, unless the debt is forgiven by the CTB.

Federal Reference – 23 CFR 630

State Reference – Section 33.1-44 of the Code of Virginia

#### **F. Two Percent (2%) Local Fee**

##### **Federally Funded Projects**

State law requires the municipality to provide, from their own funds, two percent (2%) of the funding needed for a project under this program. When an invoice is presented for payment to VDOT, this cost to the municipality should be noted and adequate records maintained to document this. This results in the federal and/or state share being ninety-eight percent (98%) of eligible project costs. The use of direct-charge, in-house, municipality staff time is allowed to count towards the municipality's two percent obligation.

##### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

State Reference – Section 33.1-44 of the Code of Virginia

## **VI. CIVIL RIGHTS**

### **Federally Funded Projects**

The municipality, its agents, employees, assigns or successors, and any person, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Virginia Fair Employment Contracting Act, Sections 2.1-374 through 2.1-376.1 of the Code of Virginia (1950), as amended. By signing the overall agreement, the recipient agrees the municipality will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the municipality. The municipality agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, including the names of all contracting agencies with which the municipality has agreements of over ten thousand dollars. For analysis of Disadvantage Business Enterprise (DBE) goals, the municipality also must submit to VDOT's Civil Rights Division (CRD) project estimates prior to advertisement, actual bids prior to award for project, and any consultant contracts. These reviews, normally take a week or less, and CRD will respond with any concerns as well as the actual DBE goals for a particular project, by looking at what can be subcontracted and the available market.

Appendix H contains a detailed discussion of the civil rights requirements for both [federal](#) and [state](#) projects. This information includes discussion of reporting requirements, record retention, goal setting, compliance and payment monitoring, and required training.

CRD will ensure that the municipality has followed guidelines, through project monitoring which is conducted during the life of the project. This monitoring is normally done by the project inspectors (both state and/or municipality), who thus need to be trained in these duties. Project monitoring entails the completion of DBE Compliance Reviews, Equal Employment Opportunity (EEO) Contractor Compliance Reviews, and On the Job Training (OJT) enrollments. In each section (DBE, EEO Contractor Compliance, OJT), the required submittals of documentation are indicated in the Appendix to include what information is due, when due and to whom, with reference to supporting regulations/specifications. All information is submitted for the life of the project, including a contract close-out report. The CRD submits quarterly and annual reports to FHWA, as well as copies of DBE Compliance Reviews and EEO Contractor Compliance Reviews, as required.

A disparity study, also known as a predicate study, analyzes the procurement and contracting practices of an organization (usually three years' worth of data) to determine if there was an adverse impact on minority and women contractors, consultants and suppliers. The study usually also makes recommendations to improve utilization of minority and women-owned businesses.

The Commonwealth of Virginia conducted a statewide disparity study in 2003 for all state procurement and construction contracts, but did not include local governments.

This type of study is not a VDOT Civil Rights requirement nor a FHWA requirement, as the U.S. Congress has already determined that there is a compelling governmental interest in having the DBE Program in all federal-aid contracts/procurements.

### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

Federal Reference – Civil Rights Act of 1964, as amended, Title VI and VII, Executive Orders 11246, 12898, and 131656, as amended, FHWA Provision 1273, 23 US Code 140(b), 23 CFR 230, 49 CFR, Parts 21 and 26

State Reference – Chapter 42, sections 2.2-4201, and Chapter 43, sections 2.2-4310, 2.2-4311 and 2.2-4321 of the Code of Virginia.

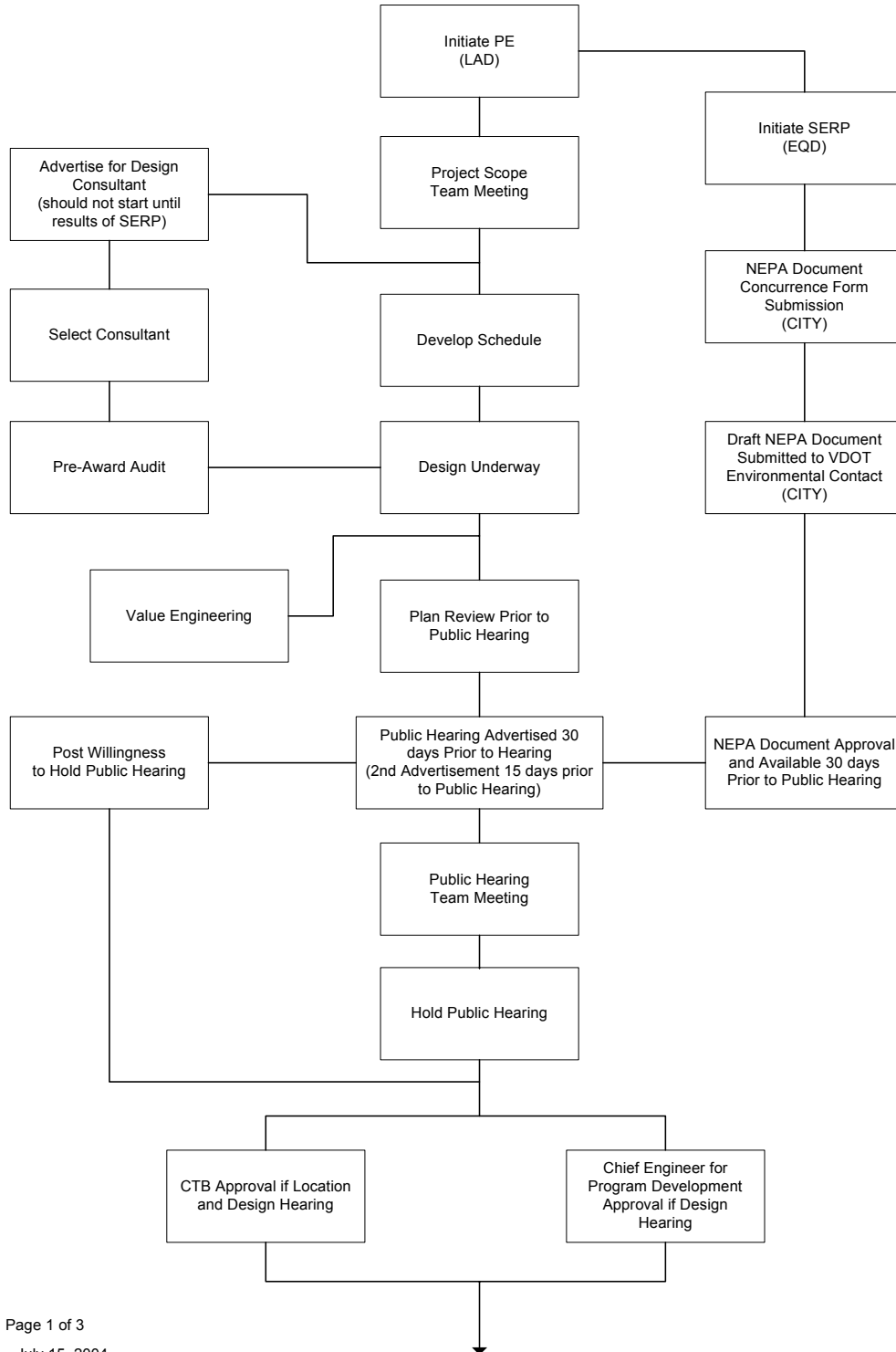
## **VII. APPENDICES**

- A. [Flow Charts - Project Development for one and two hearings for federal funded projects](#)
- B. [Locally Administered Federal Project Checklist](#)
- C. [Sample Administration Agreement](#)
- D. [Sample Project Resolution](#)
- E. [State Environmental Review Process \(SERP\) Form](#)
- F. [Environmental Requirements – Federal & State](#)
- G. [VDOT Publications for Project Design](#)
- H. [Civil Rights Division Requirements - Federal & State](#)
- I. [FHWA Certifications](#)
- J. [Advertisement for Construction](#)
- K. [Urban Allocations Paid Directly to the Urban Localities](#)
- L. [Schedule for Submission of Information for Project Approval to the Chief Engineer or CTB Action for 2004](#)
- M. [Design Exception Request - Form LD-440](#)
- N. [Summary of Guidelines Table](#)
- O. [Criteria Checklist for Contract Letting or Advertisement](#)
- P. [Procurement Checklist](#)
- Q. [Contact Telephone Numbers](#)

## APPENDIX A

### FLOW CHARTS

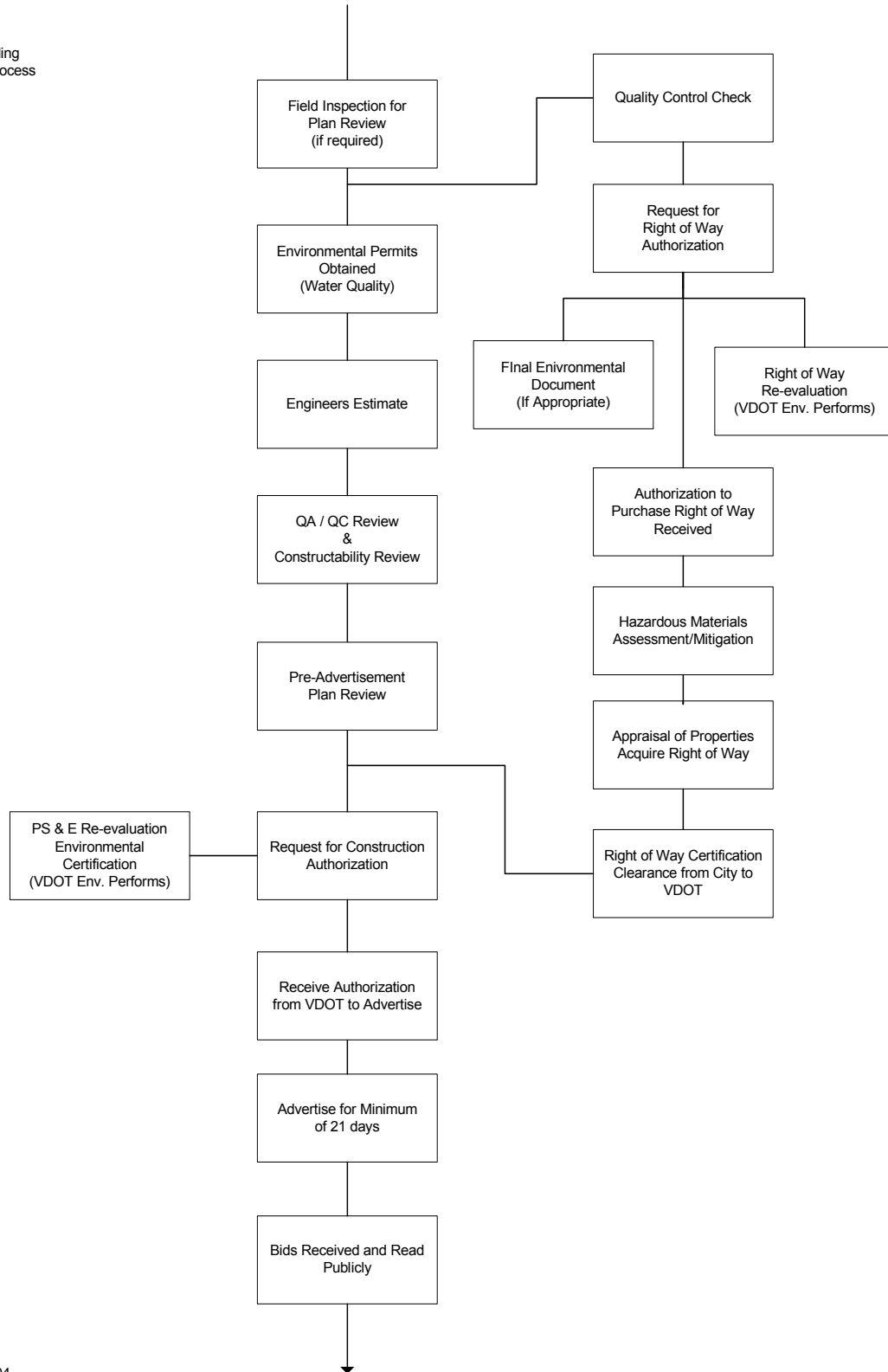
#### Federal Funding One Hearing Process





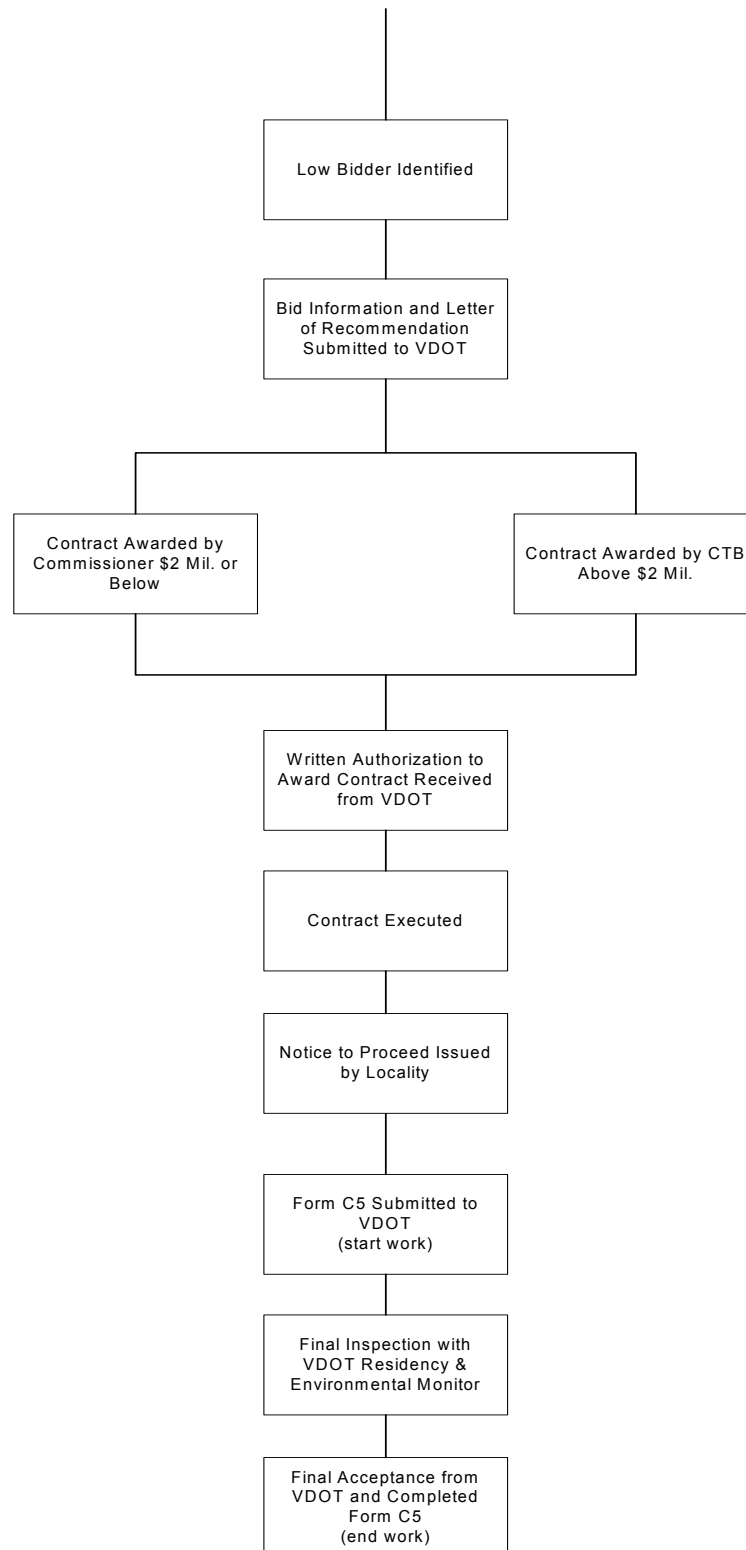
## APPENDIX A

Federal Funding  
One Hearing Process



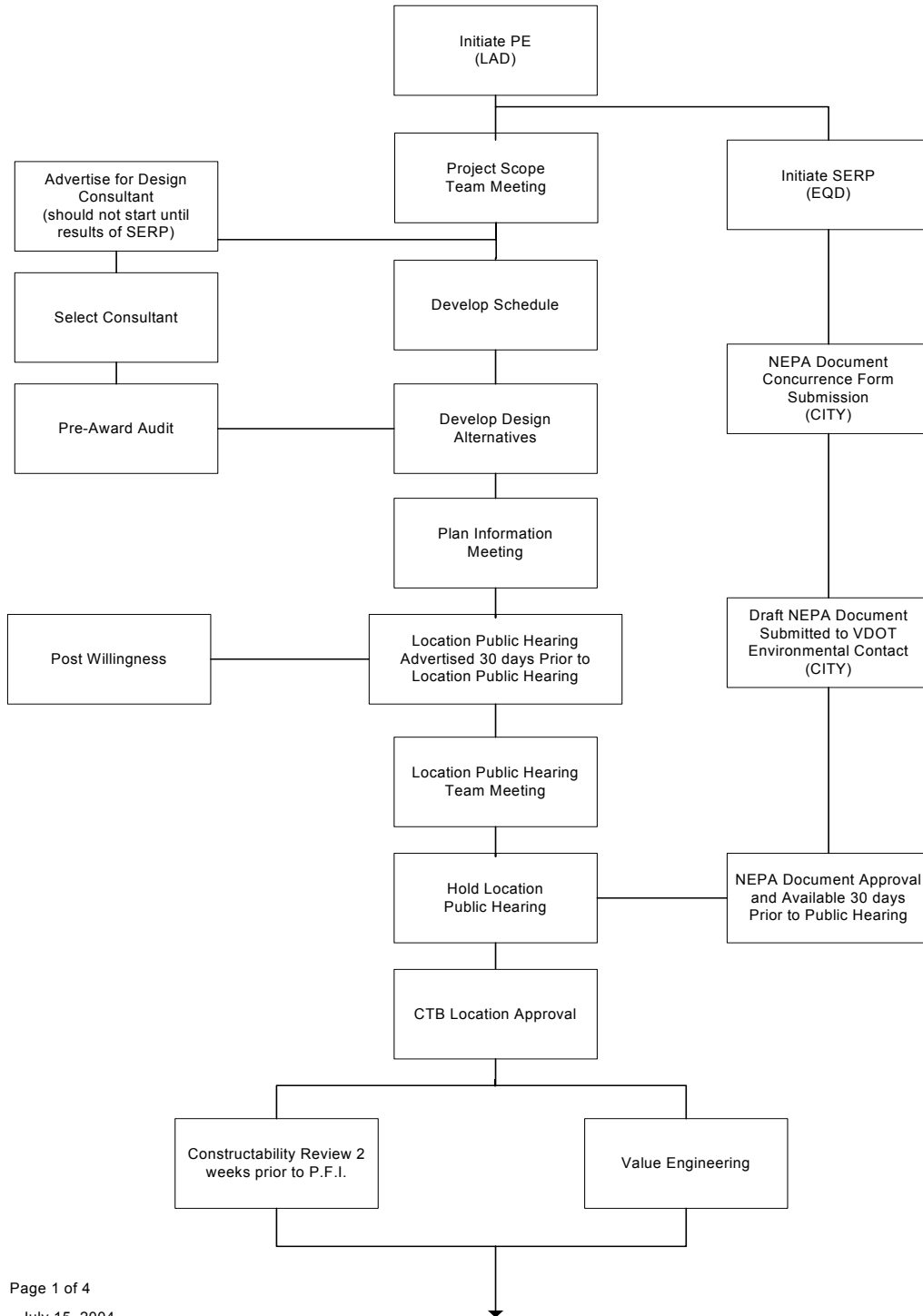
## APPENDIX A

Federal Funding  
One Hearing Process



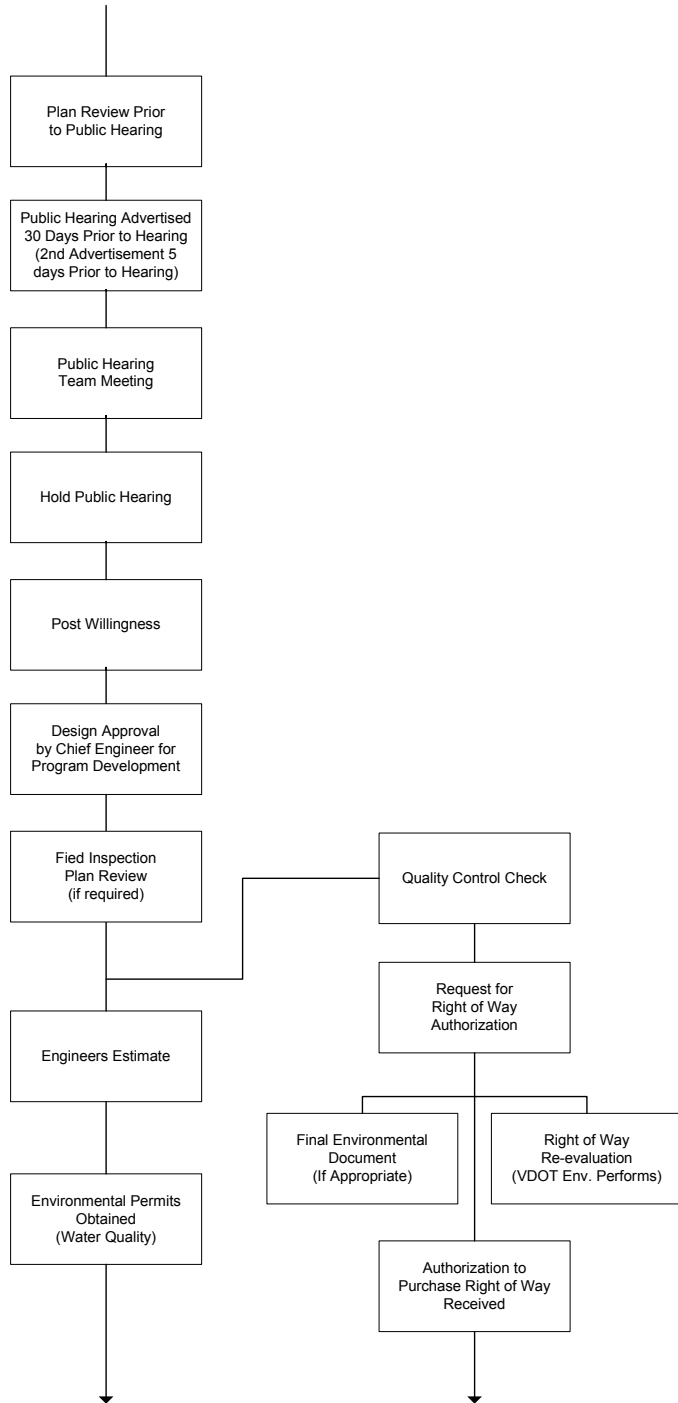
## APPENDIX A

### Federal Funding Two Hearing Process



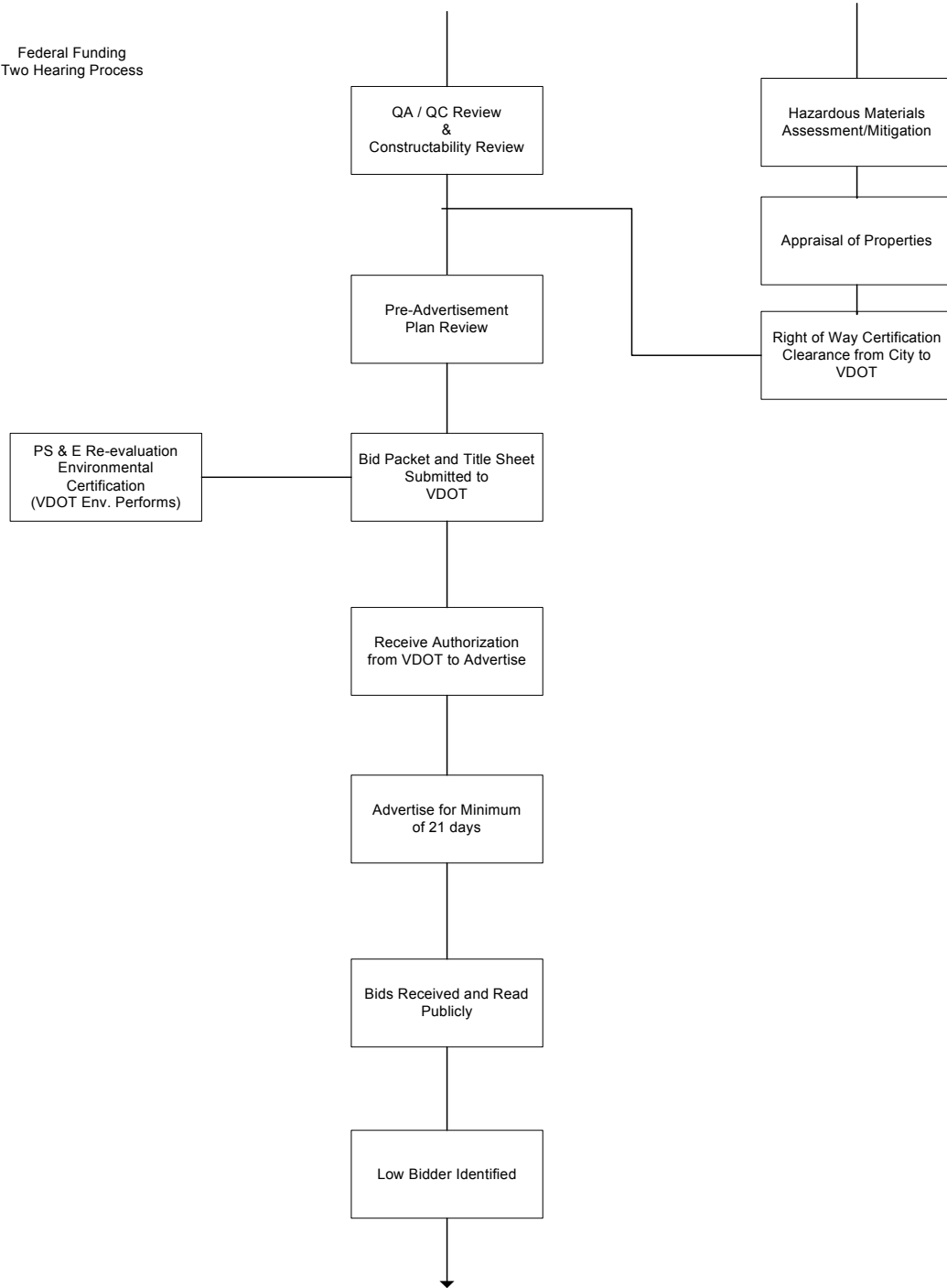
## APPENDIX A

Federal Funding  
Two Hearing Process



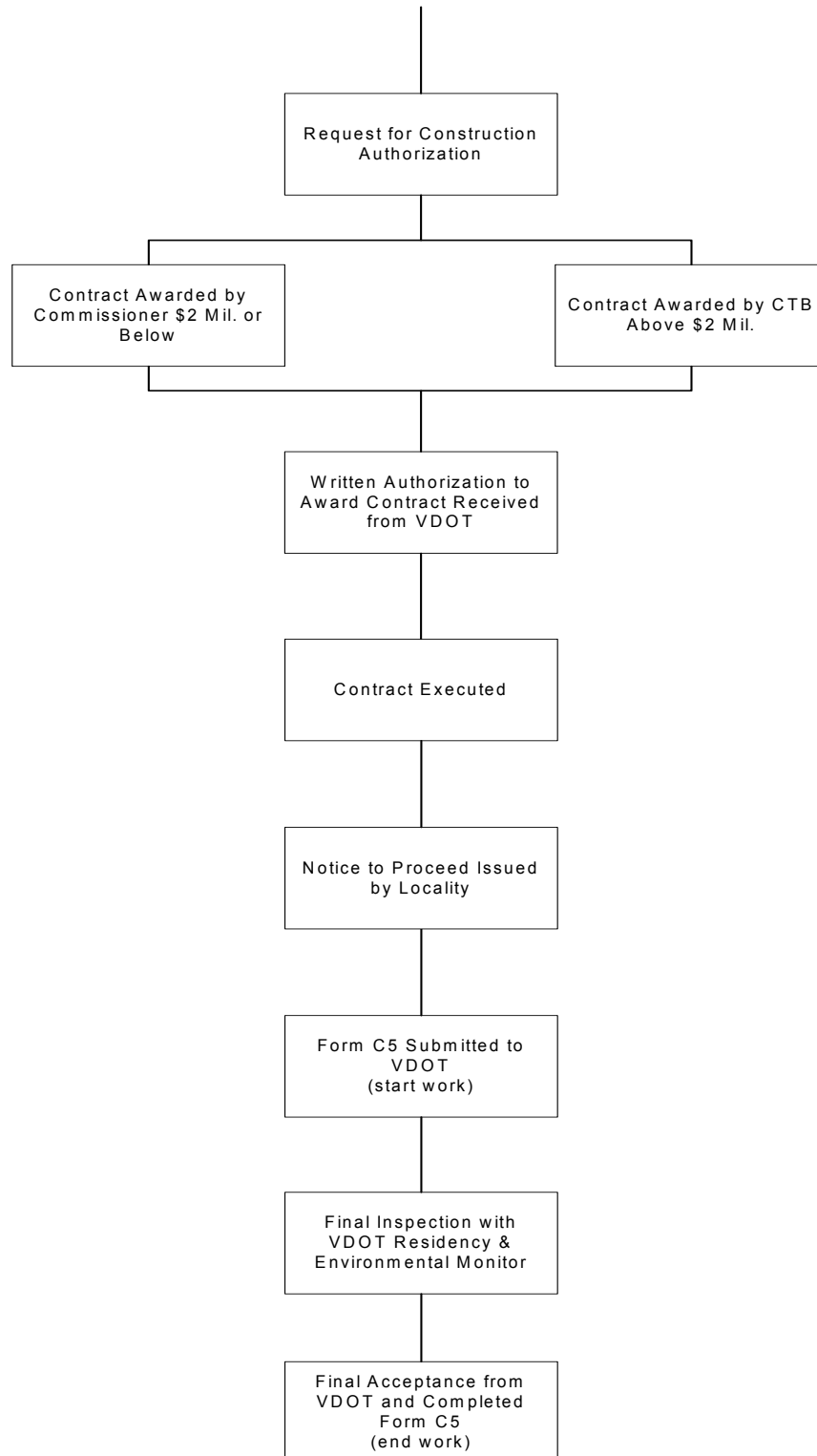
## APPENDIX A

Federal Funding  
Two Hearing Process



## APPENDIX A

Federal Funding  
Two Hearing Process



## APPENDIX B

### LOCALLY ADMINISTERED FEDERAL PROJECT CHECKLIST

**VDOT PROJECT NUMBER:** \_\_\_\_\_

**VDOT UPC NUMBER:** \_\_\_\_\_

**FEDERAL PROJECT NUMBER:** \_\_\_\_\_

**PROJECT DESCRIPTION:** \_\_\_\_\_

**NOTE:** Actions applicable to your project have been checked. These actions are sequential and must be completed in the order as listed.

**NOTE:** Authorization to proceed is necessary for each phase before costs can be incurred.

#### **Project Agreement**

- ☐ Sufficient funding in approved Six Year Improvement Program to cover Preliminary estimate
- ☐ Project is listed in the approved Statewide Transportation Improvement Program (STIP) and estimates are consistent with current amount
- ☐ Written authorization to proceed with Preliminary Engineering received from VDOT
- ☐ Project included in Long Range Plan and TIP that has been analyzed for air quality conformity

#### **Preliminary Engineering Phase**

- ☐ SERP initiated by municipality
- ☐ Scoping Meeting
- ☐ Project schedule and estimate determined
- ☐ SERP completed by VDOT
- ☐ Scoping completed on project, including scoping for environmental services
- ☐ NEPA Document Concurrence Form completed and submitted to VDOT Project Coordinator
- ☐ NEPA document type approval received from FHWA via VDOT Project Coordinator
- ☐ Proposed professional services contract submitted to VDOT for pre-award audit
- ☐ Pre-award audit completed
- ☐ Contract awarded for professional services
- ☐ Project design underway
- ☐ Pre-Public Hearing Plans submitted to VDOT Project Coordinator for review and comment  
(Estimated Date: \_\_\_\_\_ )

## APPENDIX B

- ☐ Draft NEPA environmental document submitted to VDOT Project Coordinator for review and submission to FHWA (Estimated Date: \_\_\_\_\_)
- ☐ FHWA-signed NEPA document available to the public at least 30 days prior to public hearing
- ☐ Approval of NEPA Document
- ☐ Notice of Public Hearing in paper 30 days prior to Public Hearing
- ☐ Public Hearing held or “Notice of Willingness” posted
- ☐ Value Engineering review for projects with construction costs exceeding \$5,000,000.00
- ☐ Location/Design approval – Commonwealth Transportation Board
- ☐ Final NEPA document approval (if Draft and Final NEPA documents appropriate)
- ☐ Environmental compensation and mitigation (related to wetlands and stream impacts). Locality needs to consider whether property will be needed for compensation and mitigation requirements of permits.
- ☐ Pre Right-of-Way plan review

### **Right-of-Way Phase**

- ☐ Six-Year Program
- ☐ STIP
- ☐ Appraisal obtained for property to be purchased or donated.
- ☐ NEPA document re-evaluation (R/W re-evaluation EQ-200) prior to request for FHWA R/W authorization (only when Federal funding used in Right-of-Way acquisition)
- ☐ Written authorization to proceed with property acquisition received from VDOT (Estimated Date: \_\_\_\_\_)

### **Plan Design and Bid Document Preparation**

- ☐ Six-Year Program
- ☐ STIP
- ☐ All environmental permits obtained by municipality and documented in Water Quality and Natural Resources Due Diligence for (EQ-555). EQ-555 sent to VDOT Project Coordinator
- ☐ Hazardous materials assessments/mitigation/remediation complete and documented in Hazardous Materials Due Diligence for (EQ-121). EQ-121 sent to VDOT Project Coordinator



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- ☐ Pre-Advertisement review
- ☐ Right-of-Way information submitted to VDOT with a request for right-of-way certification
- ☐ Engineer's Estimate prepared
- ☐ Final QA/QC Review
- ☐ Contract prepared including all applicable specifications and federal provisions
- ☐ Final plans, specifications, and estimate submitted to VDOT for review and approval (Estimated Date: \_\_\_\_\_)
- ☐ NEPA document re-evaluation (PS&E re-evaluation EQ-200) and Environmental Certification (EQ-103) completed by VDOT District Environmental Manager
- ☐ Written authorization to proceed with project advertisement received from VDOT

### **Advertisement and Construction Phase**

- ☐ Project publicly advertised for a minimum of 3 weeks
- ☐ Bids received and read publicly
- ☐ Bids verified for accuracy; low bidder identified
- ☐ Bid information, including bid tabulation and letter of recommendation from locality submitted to VDOT
- ☐ Contract awarded by the Commissioner or CTB at their monthly meeting; generally the third Thursday of each month. (Estimated Date: \_\_\_\_\_)
- ☐ Written authorization to proceed with construction received from VDOT
- ☐ Pre-Construction meeting with selected contractor
- ☐ Construction contract awarded to low bidder
- ☐ Form C-5 submitted to VDOT once construction begins
- ☐ Change Orders submitted to VDOT Residency as applicable
- ☐ Final inspection scheduled with VDOT Resident Engineer and District Environmental Manager
- ☐ Project received final acceptance from VDOT and a completed Form C-5 submitted to VDOT (Estimated Date: \_\_\_\_\_)

## APPENDIX B

### **VDOT Contacts**

**VDOT Program Manager:** \_\_\_\_\_

**VDOT District Environmental Manager:** \_\_\_\_\_

**VDOT Residency Contact:** \_\_\_\_\_

## APPENDIX C

### SAMPLE ADMINISTRATION AGREEMENT

#### **CITY OF \_\_\_\_\_ Urban System Construction Program Administration Agreement**

THIS AGREEMENT, made and executed in triplicate as of this \_\_\_\_ day of \_\_\_\_\_, 200\_, by and between the City of \_\_\_\_\_, Virginia, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to as the CITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT; and

WHEREAS, the CITY has, in accordance with Section 33.1-23.3 of the Code of Virginia 1950, as amended, expressed its desire to administer its urban system construction program and receive quarterly payments for the state portion of its annual urban construction allocations; and

WHEREAS, the CITY has held a public hearing and adopted a capital improvement program of projects and provided an ordinance or resolution approving same to the DEPARTMENT; and

WHEREAS, the Commonwealth Transportation Board adopts a Six-Year Improvement Program annually, and this program includes allocations for urban system projects in the CITY, and the federal portion of such construction allocations is identified as a part of 20.205 Highway Planning and Construction in the Catalog of Federal Domestic Assistance; and

WHEREAS, the DEPARTMENT is required to meet specific requirements of the Federal Highway Administration (FHWA) on projects funded by federal transportation funds; and

WHEREAS, both parties have concurred in the CITY's general administration of the design, right-of-way acquisition, utility relocation, and construction of the federally-funded and state-funded projects; and

WHEREAS, DEPARTMENT costs for State Environmental Review Process (SERP) processing, National Environmental Policy Act (NEPA) processing, and project review are eligible project costs and shall be billed to the CITY as may be agreed upon prior to project initiation by the CITY and DEPARTMENT; and

WHEREAS, the CITY may enter into separate agreements with the DEPARTMENT so that the DEPARTMENT may provide services to assist the CITY in the administration of specific projects as may be mutually agreed.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

- A. For urban system construction projects partially funded by federal highway construction allocations as shown in an approved Six-Year Improvement Program:
  1. The CITY shall:
    - a. Be responsible for all regulatory clearances including permits, the design, right-of-way acquisition, utility relocation, inspection, and construction of projects in accordance with federal and state law and regulations, except the administrative

## APPENDIX C

portion of the SERP, and coordinate with the DEPARTMENT for all NEPA scoping decisions, reviews, and approvals.

- b. Receive authorization from the DEPARTMENT before initiating preliminary engineering, right-of-way acquisition, and construction phases of project development.
- c. Maintain accurate records of the projects including documentation of all expenditures. Records for items upon which reimbursement will be requested shall be maintained for no less than three (3) years following FHWA acceptance of the final voucher. Project records shall be made available for inspection and/or audit by the DEPARTMENT or FHWA upon request.
- d. Submit no more frequently than monthly project level invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT.
- e. Reimburse the DEPARTMENT all project expenses incurred by the DEPARTMENT in the event that the CITY cancels a project and/or, due to actions by the CITY, the expenditures incurred are not reimbursed by the FHWA or in the event reimbursements are required to be returned to the FHWA.

### 2. The DEPARTMENT shall:

- a. Perform the administrative portion of the SERP, provide the CITY the results of the SERP, and provide the necessary coordination with the FHWA relative to environmental study scoping, design, decisions, reviews, approvals, and financial documentation, as appropriate.
- b. Upon receipt of the CITY's monthly invoices submitted pursuant to paragraph A.1.d, reimburse the CITY an amount not to exceed the lesser of the federal portion of the actual cost of eligible items or the amount appropriated and allocated to date for each project, less eligible project costs incurred by the DEPARTMENT. Such reimbursements shall be payable by the DEPARTMENT within 30 calendar days of receipt of a complete and acceptable invoice.

### B. For urban system construction projects not financed by federal funds but at least partially financed by state construction funds through the quarterly payments made by the DEPARTMENT to the CITY:

#### 1. The CITY shall:

- a. Be responsible for all regulatory clearances including permits, the design, right-of-way acquisition and utility relocation, inspection, and construction of projects, except the administrative portion of the SERP, in accordance with federal and state law and regulations pertaining to highways, as applicable.
- b. Maintain such records as necessary to show compliance with law and regulations for a period of three (3) years after the completion of each project and make such records available for audit by the DEPARTMENT upon request.

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2. The DEPARTMENT shall perform the administrative portion of the SERP and provide the results to the CITY.
- C. For administration of the CITY's entire Urban System Construction Program:
1. The CITY shall:
    - a. Manage its highway program in accordance with federal and state law and regulations pertaining to highways, as applicable.
    - b. Prepare each year's capital improvement program of projects so that all federal funds apportioned to the CITY shall be obligated within three (3) years of apportionment. If federal funds are unable to be obligated within that time, the CITY will notify the DEPARTMENT in writing.
    - c. Provide certification annually in a form prescribed by the DEPARTMENT by a responsible CITY official that all urban project activities have been performed in accordance with state and federal laws and regulations. If the CITY expends more than \$500,000 in federal funding annually, such certification shall include a copy of the CITY's single program audit prepared in accordance with Office of Management and Budget Circular A-133.
    - d. In cooperation with the DEPARTMENT and pursuant to paragraph C.2.b, annually conduct a joint review of the CITY's urban system construction program.
    - e. Design and construct projects to meet or exceed current American Association of State Highway and Transportation Officials standards or appropriate supplementary standards as may be agreed upon by the DEPARTMENT.
  2. The DEPARTMENT shall:
    - a. Pay the CITY the state portion of its annual construction apportionment on a quarterly basis in accordance with Section 33.1-23.3 of the Code of Virginia 1950, as amended. Such payments shall be made no later than the 30<sup>th</sup> day of September, December, March, and June.
    - b. In cooperation with the CITY and pursuant to paragraph C.1.d, annually conduct a joint review of the CITY's urban system construction program.
    - c. In Conjunction with the CITY, develop, update as needed, and make available to the CITY program guidelines to assist the parties in carrying out program responsibilities under this agreement.
    - d. Audit on a random basis urban system construction program and project records as may be required to verify CITY compliance with federal and state laws and regulations.

THIS AGREEMENT shall not be construed as a waiver of the CITY's or the Commonwealth of Virginia's sovereign immunity.

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THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

THIS AGREEMENT may be terminated by either party upon 180 days advanced written notice. Such termination by the CITY requires a resolution of the CITY Council.

THE CITY and DEPARTMENT acknowledge and agree that this agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed in triplicate in its name and on behalf of its duly authorized officer as of the day, month, and year first herein written.

**CITY OF \_\_\_\_\_, VIRGINIA:**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

NOTE: The official signing for the CITY must attach a certified copy of his or her authority to execute this agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:**

\_\_\_\_\_  
Commonwealth Transportation Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

APPENDIX D

(SAMPLE PROJECT RESOLUTION)

**PROJECT PROGRAMMING RESOLUTION**

WHEREAS, in accordance with Virginia Department of Transportation construction allocations procedures, it is necessary that a request by council resolution be made in order that the Department program an urban highway project in the City/Town of \_\_\_\_\_;

NOW THEREFORE BE IT RESOLVED, that the Council of the City/Town of \_\_\_\_\_, Virginia, requests the Virginia Department of Transportation to establish an urban system highway project for the improvement of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_, a distance of approximately \_\_\_\_\_. (or describe other type of project; such as bridge, signals, etc.)

BE IT FURTHER RESOLVED, that the Council of the City/Town of \_\_\_\_\_ hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City/Town of \_\_\_\_\_ subsequently elects to cancel this project, the City/Town of \_\_\_\_\_ hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
City/Town of \_\_\_\_\_, Virginia

ATTEST

\_\_\_\_\_  
Clerk of Council

BY \_\_\_\_\_  
Mayor/Manager

Exempt from SERP	<input type="checkbox"/>
No Permits Required	<input type="checkbox"/>

Target Advertisement date: \_\_\_\_\_

E-1



## APPENDIX E

Project Number: \_\_\_\_\_  
USGS Quad Name: \_\_\_\_\_

*(Paste .jpg or .gif TOPO Image Below)*

## **Environmental Requirements**

### **Purpose**

The purpose of these requirements is to comply with all applicable state and federal laws, regulations, and Executive Orders related to the environment. As part of the agreement localities have signed with VDOT, the localities are responsible for complying with all environmental laws and regulations that apply during project development. These laws and regulations vary depending on the scope of project impacts, the funding source, and other issues.

Information regarding environmental regulations, laws, and Executive Orders is available at: [www.virginiadot.org/business/environmental\\_requirements\\_local.asp](http://www.virginiadot.org/business/environmental_requirements_local.asp). Please monitor this site for new information related to environmental laws, regulations, and VDOT requirements.

Locality Project Managers should routinely consult with VDOT Project Coordinators to ensure all necessary procedural milestones are successfully met. Failure to adequately address all environmental requirements can jeopardize state and federal financial participation in a project.

### **Contacts**

The localities primary point of contact will be through VDOT's assigned Project Coordinator. The VDOT Project Coordinator will be responsible for coordinating all aspects of the project with the Locality Project Manager and the VDOT Project Team members, including VDOT District Environmental staff.

### **General Project Administration Requirements (both federal-aid and state funded projects)**

#### **A. *Locality Will:***

1. Be responsible for including the project in a Long Range Plan and Transportation Improvement Program that has been analyzed for air quality conformity (if in an attainment or maintenance area for air quality).
2. Meet with VDOT personnel (and other agency personnel at the Division's discretion) prior to selection of a consultant or the commitment of any resources to scope the project, discuss the environmental clearances necessary and the procedure for submitting these environmental clearances to the VDOT Project Coordinator.
3. Use qualified staff or consultant services to manage the environmental process.
4. Provide VDOT Project Coordinator and Environmental Division an opportunity to review and comment on qualifications of consultants to perform the environmental studies before a contract is executed.
5. Provide VDOT Project Coordinator and Environmental Division an opportunity to review and comment on the scope of work for the study before a contract is executed.
6. Schedule meetings with VDOT Project Coordinator and Project Team Members at appropriate milestones in the study as identified during scoping to review study progress and adequacy.
7. Provide all requests to VDOT Project Coordinator for technical and coordination assistance from Locality Project Manager and not from the Locality's consultant.
8. Provide VDOT Project Coordinator with copies of all technical studies, reports, and project correspondence related to environmental coordination.

**B. *VDOT* Will:**

1. VDOT Project Coordinator and Environmental Division will review and comment to Locality on the suitability of consultants responsible for conducting environmental work. VDOT will commit to a five (5) business day turn around for comments after a complete qualification package is received.
2. VDOT Project Coordinator and Environmental Division will review and comment to Locality on the environmental scope of work, including the general level of effort allotted for the study if the Locality uses the services of a consultant. VDOT will commit to a five (5) business day turn around for comments after a complete scope of work is received.

**Federal-Aid Project Requirements:**

**I. Preliminary Engineering Performed by Local Government (federal-aid)**

**A. *Locality* Will:**

1. Prepare and submit an electronic copy of the completed [Early Notification form](#) (EQ-429; see Appendix E) to begin the [State Environmental Review Process](#) (SERP) and any other necessary information to the VDOT Project Coordinator regarding the scope of the proposed project.
2. Implement the environmental commitments identified in the SERP Preliminary Environmental Inventory form ([PEI](#)) pertaining to the development of the project.
3. Prepare and submit an electronic copy of the [National Environmental Policy Act](#) (NEPA) concurrence [form](#) to VDOT Project Coordinator.
4. Prepare the [NEPA](#) document:
  - a) Provide VDOT Project Coordinator with a proposed project-specific public involvement plan prior to public involvement activities. This plan will demonstrate compliance with all items identified in the VDOT Location and Design Public Involvement Policy and Procedures [Manual](#) as required by environmental regulation. The public hearing notice must include all appropriate references to environmental notifications such as NEPA document availability, compliance with the [National Historic Preservation Act](#), and compliance with the Agricultural and Forestal District Act.
  - b) Provide VDOT Project Coordinator with a copy of the public hearing transcript and responses to comments on the environment with the review copy of the environmental document.
  - c) Provide VDOT Project Coordinator with an electronic preliminary review draft of the environmental document: Programmatic Categorical Exclusion ([PCE](#)), Categorical Exclusion ([CE](#)), Draft Environmental Assessment ([DEA](#)), Draft Environmental Impact Statement ([DEIS](#)), Final EA, or Final EIS.
  - d) Provide VDOT Project Coordinator with copies of all [technical](#) study documents that support the environmental document. Also provide copies of all project-related correspondence. This will allow VDOT to certify that all environmental requirements have been met prior to advertisement and construction.
  - e) Provide VDOT Project Coordinator with the appropriate number of copies of the approved environmental document as identified during project scoping.
5. If municipality will be conducting archaeological investigations on State controlled R/W, an [Antiquities Act permit](#) is required from the Virginia Department of Historic Resources prior to the investigations.

## APPENDIX F

6. Implement the NEPA commitments identified in the environmental document pertaining to project development (as well as environmental commitments made related to any other law, regulation or Executive Order).
7. Provide VDOT an opportunity to participate as a consulting party in any Memorandum of Agreement developed and executed in compliance with the National Historic Preservation Act.
8. Prepare any post-NEPA documentation required by changes that occur during the development of the project.
9. Design project in accordance with Virginia Erosion and Sediment Control law and regulations, Virginia Stormwater Management law and regulations, Virginia Pollutant Discharge Elimination System permits and Chesapeake Bay Preservation Act.
10. Secure all necessary water quality permits in the municipality's name and implement permit conditions, including but not limited to compensatory mitigation, project water quality monitoring, time of year restrictions, wildlife crossings, etc.
11. Complete Water Quality Permits and Natural Resource Due Diligence Certification form (EQ-555) and submit to VDOT Project Coordinator.
12. Perform Due Diligence assessment to determine the actual/potential presence of hazardous materials/wastes/substances for all properties to be acquired and/or used as R/W prior to the initiation of property acquisition.
13. Perform Due Diligence and Due Care activities identified in Due Diligence Certification form (EQ-121) and submit to VDOT Project Coordinator. Failure to perform Due Diligence and exert Due Care will result in the municipality assuming financial responsibility for any and all claims, demands, damages, losses, judgments, penalties, obligations, and liabilities (including without limitation, related reasonable legal and consulting fees and expenses) arising out of, or relating to, any pre-existing contamination to properties that constitute R/W for the project; and release the Commonwealth from and against any and all claims for contribution under CERCLA, and/or any other environmental law or regulation.
14. Present noise findings to VDOT Noise Abatement Committee as appropriate.

### B. **VDOT will:**

1. Perform the administrative portion of the SERP.
2. Provide the SERP PEI to the Locality Project Manager.
3. Recommend level of NEPA documentation, in consultation with FHWA, during the Scoping Meeting to the Project Team for compilation of the NEPA concurrence form. Upon receipt of the NEPA Concurrence form from the VDOT Project Coordinator, the District Environmental Manager will coordinate with the lead Federal agency after review and solicit their participation in the study. This will entail notifying the federal agency of the project development milestones and inviting the federal agency to attend key meetings.
4. Review and comment to the VDOT Project Coordinator on the NEPA document compilation by the Locality.
5. Coordinate with the lead federal agency to publish the notice of intent in the case of Environmental Impact Statements (EIS).
6. Review the following items to ensure compliance with applicable federal and state requirements:
  - a) Verify the projects compliance with the Department's public involvement procedures as outlined in *The VDOT Location and Design Public Involvement Policy and Procedures Manual* as it relates to environmental requirements for public involvement.
  - b) Review the preliminary environmental document, provide comments to the Locality, and, as appropriate, coordinate with the Federal Highway Administration (FHWA).
  - c) Indicate state acceptance of the environmental document by signing and adopting the document as a VDOT product.
  - d) Recommend lead federal agency approval of the environmental document.

7. Receive copy of signed Water Quality Permits and Natural Resource Due Diligence Certification form (EQ-555) and copies of water quality permits from municipality.
8. Receive copy of signed Hazardous Materials Due Diligence form (EQ-121) from municipality.
9. Review Municipality's noise findings through Noise Abatement Committee as appropriate.
10. Conduct a [Right-of-Way re-evaluation](#) (EQ-201 upon initiation by VDOT Project Coordinator) after design approval and prior to Right-of-Way purchase authorization from FHWA. This will ensure Right-of-Way plans are consistent with the NEPA document.

## **II. Right-of-Way Acquired by Local Government** (federal-aid project)

### **A. *Locality* Will:**

1. Perform necessary [hazardous materials](#) work prior to R/W purchase and provide documentation to VDOT Project Coordinator in signed Hazardous Materials Due Diligence form (EQ-121)
2. Acquire R/W necessary to accommodate noise abatement, as per VDOT Noise Abatement Committee decision.

### **B. *VDOT* Will:**

1. Receive signed copy of "Hazardous Materials Due Diligence Certification" from the Locality Project Manager to the VDOT District Environmental Manager.

## **III. Construction Administered by Local Government** (federal-aid project)

### **A. *Locality* Will:**

1. Implement SERP construction commitments.
2. Implement all NEPA construction commitments.
3. Implement all water quality permit conditions.
4. Implement construction in accordance with approved Erosion and Sediment Control and stormwater management plan.
5. Have on-site construction inspector with Virginia Department of Conservation and Recreation Erosion and Sediment Control inspector certification. Perform an Erosion and Sediment Control inspection every two weeks (minimum).
6. Make the necessary [notifications](#) to US Environmental Protection Agency for any "improvements" made to sinkholes to facilitate storm water drainage.
7. Include in the contract documents and enforce all special provisions and specifications related to the environment.

### **B. *VDOT* Will:**

1. Prior to approval for advertisement and construction, the VDOT District Environmental Manager will complete the [Environmental Certification Checklist](#) (EQ-103) and the [PS&E Re-evaluation form](#) (EQ-200; upon initiation by VDOT Project Coordinator). This will ensure plans, specifications, and estimates on plans are consistent with the scope of the NEPA document and all commitments. This will allow FHWA to approve the plans, specifications, and estimates for advertisement.
2. Monitor the project in accordance with the Department's Environmental Monitoring Standard Operating Procedures to ensure environmental commitments identified as a result of SERP and NEPA are implemented.

## **State Funded Project Requirements:**

### **I. Preliminary Engineering Performed by Local Government** (state funded project)

#### **A. *Locality Will:***

1. Prepare and submit an electronic copy of the completed [Early Notification form](#) (EQ-429; see Appendix E) to begin the [State Environmental Review Process](#) (SERP) and any other necessary information to the VDOT Project Coordinator regarding the scope of the proposed project.
2. Implement the environmental commitments identified in the SERP Preliminary Environmental Inventory form ([PEI](#)) pertaining to the development of the project.
  - a) Provide VDOT Project Coordinator with a copy of all technical reports prepared to address environmental commitments. Also provide copies of all project-related correspondence. This will allow VDOT to certify that all environmental requirements have been met prior to advertisement and construction.
3. If municipality will be conducting archaeological investigations on State controlled R/W, an [Antiquities Act permit](#) is required from the Virginia Department of Historic Resources prior to the investigations.
4. Provide VDOT an opportunity to participate as a consulting party in any Memorandum of Agreement developed and executed in compliance with the National Historic Preservation Act.
6. Design project in accordance with Virginia Erosion and Sediment Control law and regulations, Virginia Stormwater Management law and regulations, Virginia Pollutant Discharge Elimination System permits and Chesapeake Bay Preservation Act.
7. Secure all necessary water quality permits in the municipality's name and implement permit conditions, including but not limited to compensatory mitigation, project water quality monitoring, time of year restrictions, wildlife crossings, etc.
8. Complete Water Quality Permits and Natural Resource Due Diligence Certification form (EQ-555) and submit to VDOT Project Coordinator.
9. Perform Due Diligence assessment to determine the actual/potential presence of hazardous materials/wastes/substances for all properties to be acquired and/or used as R/W prior to the initiation of property acquisition.
10. Perform Due Diligence and Due Care activities identified in Due Diligence Certification form (EQ-121) and submit to VDOT Project Coordinator. Failure to perform Due Diligence and exert Due Care will result in the municipality assuming financial responsibility for any and all claims, demands, damages, losses, judgments, penalties, obligations, and liabilities (including without limitation, related reasonable legal and consulting fees and expenses) arising out of, or relating to, any pre-existing contamination to properties that constitute R/W for the project; and release the Commonwealth from and against any and all claims for contribution under CERCLA, and/or any other environmental law or regulation.

#### **B. *VDOT will:***

1. VDOT District Environmental Manager will perform the administrative portion of the SERP.
2. VDOT District Environmental Manager will provide the SERP PEI to the VDOT Project Coordinator. The VDOT Project Coordinator will provide the PEI to Locality Project Manager.
3. At the request of the VDOT Project Coordinator, the District Environmental Manager will provide technical guidance to the Locality Project Manager in the preparation of technical studies.
4. Receive copy of signed Water Quality Permits and Natural Resource Due Diligence Certification form (EQ-555) and copies of water quality permits from municipality.

5. Receive copy of signed Hazardous Materials Due Diligence form (EQ-121) from municipality.

## **II. Right-of-Way Acquired by Local Government** (state funded project)

### **A. *Locality* Will:**

1. Perform necessary [hazardous materials](#) work and provide documentation to VDOT Project Coordinator.

### **B. *VDOT* Will:**

1. VDOT Project Coordinator will forward signed copy of “Hazardous Materials Due Diligence Certification” from the Locality Project Manager to the VDOT District Environmental Manager.

## **III. Construction Administered by Local Government** (state funded project)

### **A. *Locality* Will:**

1. Implement SERP construction commitments.
2. Implement all water quality permit conditions.
3. Implement construction in accordance with approved Erosion and Sediment Control and stormwater management plan.
4. Have on-site construction inspector with Virginia Department of Conservation and Recreation Erosion and Sediment Control inspector certification. Perform and Erosion and Sediment Control inspection every two weeks (minimum).
5. Make the necessary [notifications](#) to US Environmental Protection Agency for any “improvements” made to sinkholes to facilitate storm water drainage.
6. Include in the contract documents and enforce all special provisions and specifications related to the environment.

### **B. *VDOT* Will:**

1. Prior to approval for advertisement and construction, the VDOT District Environmental Manager will complete the [Environmental Certification Checklist](#) (EQ-103 initiated by VDOT Project Coordinator).
2. Monitor the project in accordance with the Department’s Environmental Monitoring Standard Operating Procedures to ensure environmental commitments identified as a result of SERP are implemented.

## VDOT Publications for Project Design

The following manuals are all available through VDOT's web site at [www.virginiadot.org](http://www.virginiadot.org) using the "business networks" tab.

### **VDOT Road and Bridge Standards**

<http://www.virginiadot.org/business/locdes/road-and-bridge-standards.asp>

### **VDOT Road and Bridge Specifications**

<http://www.virginiadot.org/business/const/spec-default.asp>

### **VDOT Instructional and Informational Memoranda**

<http://www.virginiadot.org/business/locdes/rd-ii-memoranda-index.asp>

### **VDOT Road Design Manual**

<http://www.virginiadot.org/business/locdes/rdmanual-index.asp>

### **VDOT Public Involvement Policy & Procedure Manual**

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/Public%20Involvement%20Manual/Public-Involvement-Manual.pdf>

### **VDOT Drainage Manual**

<http://www.virginiadot.org/business/locdes/hydra-drainage-manual.asp>

### **VDOT CADD Manual**

<http://www.extranet.vdot.state.va.us/locdes/caddman/html/frameset.htm>

### **VDOT Survey Manual**

<http://www.virginiadot.org/business/locdes/manual-survey-index.asp>

### **VDOT Traffic Engineering Design Manual**

<http://www.virginiadot.org/business/locdes/traffic-engineering-manual.asp>

### **VDOT Materials Manual**

<http://www.virginiadot.org/business/resources/bu-mat-MANUAL2004.pdf>

### **VDOT Landscaping Procedures**

Please contact Location & Design Division for further information

### **VDOT Underground Utilities Policy**

<http://www.virginiadot.org/projects/resources/UrbanManual.pdf>

### **VDOT Lighting Policy**

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/IIM231.pdf>

### **Policy for Integrating Bicycle and Pedestrian Accommodations**

<http://www.virginiadot.org/info/service/resources/draft%20bikeped%20plan.pdf>



**CIVIL RIGHTS DIVISION**  
**REQUIREMENTS FOR THE**  
**LOCALLY ADMINISTERED URBAN PROGRAM**  
**(FEDERAL PROJECTS)**

The RECIPIENT, its agents, employees, assigns or successors, and any person, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the **Virginia Fair Employment Contracting Act**, Sections 2.1-374 through 2.1-376.1 of the Code of Virginia (1950), as amended. During the performance of this Agreement, the RECIPIENT agrees as follows:

- a. The RECIPIENT will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the RECIPIENT. The RECIPIENT agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, including the names of all contracting agencies with which the RECIPIENT has Agreements of over ten thousand dollars.
- b. The RECIPIENT will, in all solicitations or advertisements for employees placed by or on behalf of the RECIPIENT, state that the RECIPIENT is an equal opportunity employer; provided, however, that notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The RECIPIENT will include the provisions of the foregoing paragraphs "a" and "b" in every subcontract or purchase order of over ten thousand dollars, so that such provisions will be binding upon each subcontractor or vendor. Nothing contained in this section shall be deemed to empower any agency to require any RECIPIENT to grant preferential treatment to, or discriminate against, any individual or any group because of race, color, religion, sex or national origin on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by such RECIPIENT in comparison with the total number or percentage of persons of such race, color, religion, sex or national origin in any community or in the Commonwealth.

**NON-DISCRIMINATION PROVISION:** The RECIPIENT agrees to abide by the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (42 USC 2000e), which prohibits discrimination against any employee or applicant for employment, or any applicant or recipient of services, on the basis of race, religion, color, sex or national origin; and further agrees to abide by Executive Order No. 11246 entitled "Equal Employment Opportunity," as amended by Executive Order No. 11375 and as supplemented in the Department of Labor Regulations (41 CFR Part 60), which prohibit discrimination on the basis of age. Sections 49 CFR 21 and 26 CFR 710.405(b) are incorporated by reference in all contracts and subcontracts funded in whole or in part with federal funds. The RECIPIENT shall comply with the Americans with Disabilities Act (ADA), and with the provisions of the Virginians with Disabilities Act, Sections 51.5-40 through 51.5-46 of the Code of Virginia (1950), as amended, the terms of which are incorporated herein by reference.

In the event of the RECIPIENT'S noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- a. withholding of payments to the RECIPIENT under this Agreement until the RECIPIENT complies; and/or
- b. **cancellation, termination or suspension** of this Agreement, in whole or in part.

**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964:** During the performance of this Agreement, the RECIPIENT, for itself, its assignees and successors in interest (herein referred to as "the RECIPIENT"), agrees as follows:

Compliance with Regulations: The RECIPIENT will comply with the Regulations of the U.S. Department of Transportation relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (Title 49), Code of Federal Regulations, Part 21, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.

- b. Nondiscrimination: The RECIPIENT with regard to the services provided by it after award and prior to completion of this Agreement, will not discriminate on the grounds of race, color, sex, national origin, age or handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The RECIPIENT will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the services covers a program set forth in Appendix B of the Regulations.

Solicitations for Subcontractors: In all solicitations, either by competitive bidding or negotiation made by the RECIPIENT for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the RECIPIENT of the RECIPIENT'S obligations under this Agreement.

- d. Information and Reports: The RECIPIENT will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the RECIPIENT is in the exclusive possession of another who fails or refuses to furnish this information, the RECIPIENT shall so certify to the Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of the RECIPIENT'S noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- 1) withholding of payments to the RECIPIENT under this Agreement until the RECIPIENT complies, and/or
  - 2) **cancellation, termination or suspension of this** Agreement, in whole or in part.
- f. Incorporation of Provisions: The RECIPIENT will include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, order or instructions issued pursuant thereto. The RECIPIENT will take such action with respect to any subcontractor or procurement as the Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, in the event the RECIPIENT becomes involved in, or is threatened with, litigation with a

## APPENDIX H

subcontractor or supplier as a result of such direction, the RECIPIENT may request the Department to enter into such litigation to **protect the** interests of the Department and, in addition, the RECIPIENT may request the United States to enter into such litigation to **protect the** interests of the United States.

**CERTIFICATION REGARDING NON-SEGREGATED FACILITIES:** By the execution of this Agreement, the RECIPIENT certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. It certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location under its control, where segregated facilities are maintained. The RECIPIENT further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, national origin, age or handicap, because of habit, local custom or otherwise. It agrees that, except where it has obtained identical certification from proposed subcontractors and material suppliers for specific time periods, it will obtain identical certification from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements exceeding ten thousand dollars, and that it will retain such certifications in its files.

**TDD/TTY EQUIPMENT FOR THE DEAF:** When seeking public participation through the maintenance of a toll free hot line number and/or publishing project-related materials, the RECIPIENT agrees to ensure that all citizens have equally effective communication. The RECIPIENT agrees to provide or identify a telecommunications device for the deaf/teletypewriter (TDD/TTY) or acceptable means of telephone access for individuals with impaired speech or hearing. The RECIPIENT will provide notice of a TDD/TTY number whenever a standard telephone number is provided.

**DISADVANTAGED BUSINESS ENTERPRISES:** The RECIPIENT, its agents, employee, assigns, or successors, and any person, firm or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of Section 23.43 of 49 CFR, Part 26, as amended, which is hereby made part of this Agreement by reference. The RECIPIENT shall take all necessary and reasonable steps in accordance with 49 CFR, Part 26, as amended, to ensure that DBE's have the maximum opportunity to compete for and perform on contracts and subcontracts under this Agreement.

A Disadvantaged Business Enterprise (DBE) is a minority or woman owned firm certified by the Virginia Department of Transportation. A listing of certified firms can be located at <http://virginiadot.org/business/const/listpage.asp> under certified contractors list.

## GOAL SETTING PROCESS

VDOT's overall goal for federal fiscal year 2004 is 10.81% (2.96% race neutral & 7.85% race conscious) of the federal financial assistance we will expend in federally assisted contracts. We begin using the overall goal on October 1<sup>st</sup> of each year. Contract goals will be used to meet any portion of the overall goal that can not be met using race-neutral means and will be established only on those federally assisted contracts that have DBE subcontracting possibilities (type of work, location of project, availability of DBE firms to perform a particular type of work). A contract goal is expressed as a percentage of the total amount of a federally assisted contract.

## APPENDIX H

The Civil Rights Division (CRD) establish the individual project goals in accordance with the methodology as indicated in the Department's DBE Program Plan, as amended, which was approved by Federal Highway Administration (FHWA) in 1999. Copies of the Plan can be purchased from the Civil Rights Division-Central Office, located at 1221 East Broad Street in Richmond at (804) 786-2085.

The RECIPIENT will submit the detail estimate for the proposed project, which includes work activities and their associated costs, and the final total cost assigned to the project, to the Civil Rights Division-CO no later than two months prior to advertisement, in order that DBE goals can be establish by VDOT. Once the project has been advertised and bids received by the RECIPIENT, the RECIPIENT will forward the DBE information regarding DBE participation commitment from the two lowest responsive and responsible bidders information to the Civil Rights Division-CO for review and recommendations regarding award of the project. The award of all bids must adhere to federal regulations, as promulgated in 49 CFR, Part 26 and the Virginia Department of Transportation Special Provision for Section 110.04 of the Specifications relative to 'good faith efforts' by contractors in making the required DBE participation. After the contract is awarded, the RECIPIENT will submit the DBE information to the Civil Rights Division-CO.

All contractors that fail to meet the DBE goal are subject to review by the Department's CRD to determine whether a 'good faith effort' was made as outlined in 49 CFR, Parts 26.53 and Special Provision 110.04.

### COMPLIANCE MONITORING

The RECIPIENT must ensure that the contractor take steps to ensure that those DBEs committed to perform work under contract perform a commercially useful function (CUF). It is the Departments' responsibility to determine compliance with the commercially useful function requirement. The requirements are described in 49 CFR, Part 26.55. District Civil Rights Managers (DCRM) and their staff will monitor construction activity to ensure that DBE firms are performing work in accordance with federal regulations. The DCRM will conduct DBE Compliance Reviews on each DBE firm performing work for participation credit/goal attainment on each project.

The RECIPIENT will ensure that District Civil Rights Managers receive copies of all contracts awarded and DBE subcontracts, which will initiate the monitoring process. Compliance monitoring includes: site visits, review of documents such as material tickets, subcontracts, lease agreements, etc. and any other information needed to render a compliance determination.

### MONITORING PAYMENTS TO DBE FIRMS

VDOT requires that the RECIPIENT maintain records and documents of payments to DBE firms for the performance of their contract or subcontract. These records must consist of type of work DBE firm performed, dates of work, dollar amount paid for work, and on what date payment was made. These records must be submitted on a quarterly basis to the appropriate District Civil Rights Manager for each locality. Documentation will be submitted no later than the first day of the first month following the federal fiscal year quarter, which commences each October 1<sup>st</sup>.

RECIPIENTS will ensure that all DBE firms are paid promptly in accordance with 49 CFR, Part 26.29. The Departments' prompt pay guidelines are indicated in the DBE Program Plan.

## APPENDIX H

The RECIPIENT will maintain records and documents verifying DBE firms awarded contracts and subcontracts to include: name of DBE firm, indicating if firm is a certified minority or woman owned firm, type of work; and dollar value of contract or subcontract and dates work was performed. This information will be maintained and submitted on an annual basis (federal fiscal year) no later than the first of each September, to the appropriate District Civil Rights Manager for each locality.

**ON THE JOB TRAINING (OJT) PROGRAM:** The RECIPIENT, its agents, employees, assigns, or successors, and any person, firm or agency of whatever nature with whom it may contract or make an agreement, shall comply with the special training provisions in accordance with 23 CFR, Part 230.107(b), as amended, which is hereby made part of this Agreement by reference. The RECIPIENT shall take all necessary and reasonable steps to ensure training and upgrading of minorities, women, veterans, and other disadvantaged persons toward achieving journeymen status within a given construction trade. The program seeks to reduce overhead costs associated with training through a stipend reimbursement to the contractor while offering the opportunity to enhance short and long term workforce needs. The current OJT reimbursement rate is three dollars per trainee hour.

The OJT program requires full utilization of all available training and skill-improvement opportunities to assure the increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry. It is the intent that each contractor's workforce and construction site should reflect the same diversity as the community.

### TRAINEE GOALS

The DCRM will set a trainee goal on all federally assisted contracts in accordance with guidelines outlined in 23 CFR, Part 230, Parts 111, 113 and 117. The RECIPIENT will contact the DCRM prior to the advertisement of the contract to obtain the trainee goal. The DCRM will approve all trainee enrollments to ensure that disadvantaged persons are given opportunities for training. Trainee work classifications and the requirements of each will follow those already developed by the Virginia Department of Transportation and the Virginia Road and Transportation Builders Association (VRTBA). Copies of the OJT Trainee Classification Booklet can be purchased from VRTBA located at 620 Moorefield Avenue in Richmond or call (804) 330-3312.

### MONITORING OF OJT PROGRAM

VDOT requires that the RECIPIENT maintain records and documents of trainee enrollments to include: name of trainee, sex, gender, trainee work classification, hourly wage rates, start date, completion date and wage increments as training progressed. This information will include reason(s) trainees do not complete the training program and number of drop-outs and terminations prior to completion of the training program.

The RECIPIENT will compile OJT records and submit them on a quarterly basis to the appropriate District Civil Rights Manager for each locality. Documentation will be submitted no later than the first day of the first month following the federal fiscal year quarter, which commences October 1<sup>st</sup>. The RECIPIENT will submit an annual report to the appropriate District Civil Rights Manager no later than the third of each January for the preceding calendar year.

## APPENDIX H

The RECIPIENT will maintain records and documents supporting the reimbursements to contractors for each trainee hour achieved via the OJT program. These records will include: contractor's name, project number, location of project, trainee goal for the contract, name of trainee(s), trainee(s) work classifications, number of hours completed by each trainee(s), and dollar amount paid to the contractor. Trainee Certificates will be presented to each trainee completing the OJT program. It is recommended that copies of these certificates be part of the OJT trainee records.

### CONTRACTOR COMPLIANCE

The RECIPIENT will ensure that all contractors and subcontractors awarded work will meet contractual Equal Opportunity requirements under Executive Order 11246, as amended, 23 U.S. C., FHWA-1273 (23 CFR, Parts 633), Section 110.03 (Equal Employment Opportunity) of Roads and Bridges Specifications and Title VI of the Civil Rights Act of 1964, as amended. All contractors and subcontractors will submit to the DCRM the required information such as EO Policy, EO Liaison Officer, company employment and monthly project site employment reports as indicated in Section 110.03.

The Virginia Department of Transportation Civil Rights Division will monitor for adherence to Contractor Compliance as outlined in 23 CFR, Part 230.409, 411, and 413.

The RECIPIENT will forward copies of all awarded contracts to the appropriate DCRM to initiate the monitoring process. The monitoring process includes: project site visits, employee interviews, and review of documentation (subcontracts, lease agreements, material tickets, etc.). Formal Contractor Compliance Equal Opportunity Reviews will be conducted by the DCRM as needed. Guidance for conducting compliance reviews is provided in the Contract Compliance Plan (Part I of Affirmative Action Plan) approved by Federal Highway Administration in 2002. Copies of the Plan can be purchased from the Civil Rights Division-Central Office, located at 1221 East Broad Street in Richmond at (804) 786-2085.

### REPORTING

The RECIPIENT, its contractors and subcontractors having a contract or subcontract of at least \$10,000 or more is required to submit an annual employment report to the CRD in accordance with 23 CFR, Part 230.21. The report reflects all employees on site during the third week of each month of July during which work is performed. This information will be submitted to the DCRM indicating number of employees in each work classification, their race and sex. All employees on site must be accounted for to include men and women, both journeymen level, trainees and apprentices.

The annual employment report will be submitted to each DCRM for each federally assisted project no later than the second week of each August.

### RECORD KEEPING

The RECIPIENT will maintain all records pertaining to the individual projects for three years after completion of each project. Records shall include but not be limited to contracts, subcontractors, purchase orders, material delivery tickets, lease agreements, joint check agreements, payments made to contractors, inspections and permits. This is in accordance with Section 110.03 of Roads and Bridges Specifications.

## APPENDIX H

The RECIPIENT shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, and other sources of information, and its facilities as may be determined by Commonwealth of Virginia, Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such regulations, orders and requirements.

The Virginia Department of Transportations' Civil Rights Division or Office of Inspector General Auditing Division and Federal Highway Administration will perform audits as needed to ensure compliance with all Guidelines.

**CIVIL RIGHTS DIVISION**  
**REQUIREMENTS FOR THE**  
**LOCALLY ADMINISTERED URBAN PROGRAM**  
**(STATE PROJECTS)**

**VIRGINIA FAIR EMPLOYMENT CONTRACTING ACT:** The RECIPIENT, its agents, employees, assigns or successors, and any person, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Virginia Fair Employment Contracting Act, Sections 2.1-374 through 2.1-376.1 of the Code of Virginia (1950), as amended. During the performance of this Agreement, the RECIPIENT agrees as follows:

- a. The RECIPIENT will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the RECIPIENT. The RECIPIENT agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, including the names of all contracting agencies with which the RECIPIENT has Agreements of over ten thousand dollars.
- b. The RECIPIENT will, in all solicitations or advertisements for employees placed by or on behalf of the RECIPIENT, state that the RECIPIENT is an equal opportunity employer; provided, however, that notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The RECIPIENT will include the provisions of the foregoing paragraphs "a" and "b" in every subcontract or purchase order of over ten thousand dollars, so that such provisions will be binding upon each subcontractor or vendor. Nothing contained in this section shall be deemed to empower any agency to require any RECIPIENT to grant preferential treatment to, or discriminate against, any individual or any group because of race, color, religion, sex or national origin on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by such RECIPIENT in comparison with the total number or percentage of persons of such race, color, religion, sex or national origin in any community or in the Commonwealth.

**NON-DISCRIMINATION PROVISION:** The RECIPIENT agrees to abide by the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (42 USC 2000e), which prohibits discrimination against any employee or applicant for employment, or any applicant or recipient of services, on the basis of race, religion, color, sex or national origin; and further agrees to abide by Executive Order No. 11246 entitled "Equal Employment Opportunity," as amended by Executive Order No. 11375 and as supplemented in the Department of Labor Regulations (41 CFR Part 60), which prohibit discrimination on the basis of age. Sections 49 CFR 21 and 26 CFR 710.405(b) are incorporated by reference in all contracts and subcontracts funded in whole or in part with federal funds. The RECIPIENT shall comply with the Americans with Disabilities Act (ADA), and with the provisions of the Virginians with Disabilities Act, Sections 51.5-40 through 51.5-46 of the Code of Virginia (1950), as amended, the terms of which are incorporated herein by reference.

In the event of the RECIPIENT'S noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:



- a. withholding of payments to the RECIPIENT under this Agreement until the RECIPIENT complies; and/or
- b. **cancellation, termination or suspension** of this Agreement, in whole or in part.

**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964:** During the performance of this Agreement, the RECIPIENT, for itself, its assignees and successors in interest (herein referred to as "the RECIPIENT"), agrees as follows:

Compliance with Regulations: The RECIPIENT will comply with the Regulations of the U.S. Department of Transportation relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (Title 49), Code of Federal Regulations, Part 21, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.

- b. Nondiscrimination: The RECIPIENT with regard to the services provided by it after award and prior to completion of this Agreement, will not discriminate on the grounds of race, color, sex, national origin, age or handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The RECIPIENT will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the services covers a program set forth in Appendix B of the Regulations.

Solicitations for Subcontractors: In all solicitations, either by competitive bidding or negotiation made by the RECIPIENT for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the RECIPIENT of the RECIPIENT'S obligations under this Agreement.

- d. Information and Reports: The RECIPIENT will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the RECIPIENT is in the exclusive possession of another who fails or refuses to furnish this information, the RECIPIENT shall so certify to the Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of the RECIPIENT'S noncompliance with the nondiscrimination provisions of this Agreement, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- 1) withholding of payments to the RECIPIENT under this Agreement until the RECIPIENT complies, and/or
  - 2) **cancellation, termination or suspension of this** Agreement, in whole or in part.
- f. Incorporation of Provisions: The RECIPIENT will include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, order or instructions issued pursuant thereto. The RECIPIENT will take such action with respect to any subcontractor or procurement as the Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, in the event the RECIPIENT becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the RECIPIENT may request the Department to

## APPENDIX H

enter into such litigation to **protect the** interests of the Department and, in addition, the RECIPIENT may request the United States to enter into such litigation to **protect the** interests of the United States.

**CERTIFICATION REGARDING NON-SEGREGATED FACILITIES:** By the execution of this Agreement, the RECIPIENT certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. It certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location under its control, where segregated facilities are maintained. The RECIPIENT further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, national origin, age or handicap, because of habit, local custom or otherwise. It agrees that, except where it has obtained identical certification from proposed subcontractors and material suppliers for specific time periods, it will obtain identical certification from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements exceeding ten thousand dollars, and that it will retain such certifications in its files.

**TDD/TTY EQUIPMENT FOR THE DEAF:** When seeking public participation through the maintenance of a toll free hot line number and/or publishing project-related materials, the RECIPIENT agrees to ensure that all citizens have equally effective communication. The RECIPIENT agrees to provide or identify a telecommunications device for the deaf/teletypewriter (TDD/TTY) or acceptable means of telephone access for individuals with impaired speech or hearing. The RECIPIENT will provide notice of a TDD/TTY number whenever a standard telephone number is provided.

**DISADVANTAGED BUSINESS ENTERPRISES:** The RECIPIENT, its agents, employees, assigns, or successors, and any person or firm or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of Section 110.04 Roads and Bridges Specification pertaining to the Use of Minority Business Enterprises. The RECIPIENT will take all necessary and reasonable steps to ensure that minority/female owned firms have the maximum opportunity to compete for and perform contracts and subcontracts under this Agreement.

A listing of minority and female owned firms certified by the Virginia Department of Transportation can be located at <http://virginiadot.org/business/const/listpage.asp> under certified contractors list.

## REPORTING

The RECIPIENT will provide the Departments' DCRM with information on each certified minority or female owned firm contracted or subcontracted work. This information will include: name of firm, type of certified firm, type of work performed, dates of work, dollar value of contract/subcontract and dates payment was made for work. This information needs to be maintained and submitted to the appropriate DCRM no later than the first day of the first month of federal fiscal quarter commencing on October 1<sup>st</sup>.

**ON THE JOB TRAINING (OJT) PROGRAM:** The RECIPIENT, its agents, employees, assigns, or successors, and any person, firm or agency of whatever nature with whom it may contract or make an agreement, shall comply with the special training provisions in accordance with Section 518 of Roads and Bridges Specifications. The RECIPIENT shall take all necessary and reasonable steps to ensure training and

## APPENDIX H

upgrading of minorities, women, veterans, and other disadvantaged persons toward achieving journeymen status within a given construction trade. The program seeks to reduce overhead costs associated with training through a stipend reimbursement to the contractor while offering the opportunity to enhance short and long term workforce needs. The current OJT reimbursement rate is three dollars per trainee hour.

The OJT program requires full utilization of all available training and skill-improvement opportunities to assure the increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry. It is the intent that each contractor's workforce and construction site should reflect the same diversity as the community.

### TRAINEE GOALS

The DCRM will set a trainee goal in accordance with guidelines outlined in Section 518 of Roads and Bridges Specifications on each project. The RECIPIENT will contact the DCRM prior to the advertisement of the contract to obtain the trainee goal. The DCRM will approve all trainee enrollments to ensure that disadvantaged persons are given opportunities for training. Trainee work classifications and the requirements of each will follow those already developed by the Virginia Department of Transportation and the Virginia Road and Transportation Builders Association (VRTBA). Copies of the OJT Trainee Classification Booklet can be purchased from VRTBA located at 620 Moorefield Avenue in Richmond or call (804) 330-3312.

### MONITORING OF OJT PROGRAM

VDOT requires that the RECIPIENT maintain records and documents of trainee enrollments to include: name of trainee, sex, gender, trainee work classification, hourly wage rates, start date, completion date and wage increments as training progressed. This information will include reason(s) trainees do not complete the training program and number of drop-outs and terminations prior to completion of the training program.

The RECIPIENT will compile OJT records and submit them on a quarterly basis to the appropriate District Civil Rights Manager for each locality. Documentation will be submitted no later than the first day of the first month following the federal fiscal year quarter, which commences October 1<sup>st</sup>. The RECIPIENT will submit an annual report to the appropriate District Civil Rights Manager no later than the third of each January for the preceding calendar year.

The RECIPIENT will maintain records and documents supporting the reimbursements to contractors for each trainee hour achieved via the OJT program. These records will include: contractor's name, project number, location of project, trainee goal for the contract, name of trainee(s), trainee(s) work classifications, number of hours completed by each trainee(s), and dollar amount paid to the contractor. Trainee Certificates will be presented to each trainee completing the OJT program. It is recommended that copies of these certificates be part of the OJT trainee records.

### CONTRACTOR COMPLIANCE

The RECIPIENT will ensure that all contractors and subcontractors awarded work will meet contractual Equal Opportunity requirements under Section 110.03 (Equal Employment Opportunity) of Roads and Bridges Specifications and Title VI of the Civil Rights Act of 1964, as amended. All contractors and subcontractors will submit to the DCRM the required information such as EO Policy, EO Liaison Officer, company employment and monthly project site employment reports as indicated in Section 110.03.

## **APPENDIX H**

The Virginia Department of Transportation Civil Rights Division will monitor for adherence to Contractor Compliance.

The RECIPIENT will forward copies of all awarded contracts to the appropriate DCRM to initiate the monitoring process. The monitoring process includes: project site visits, employee interviews, and review of documentation (subcontracts, lease agreements, material tickets, etc.). Formal Contractor Compliance Equal Opportunity Reviews will be conducted by the DCRM as needed.

### **REPORTING**

The RECIPIENT, its contractors and subcontractors having a contract or subcontract of at least \$10,000 or more is required to submit a monthly employment report the first three months after construction begins and an annual employment report to the CRD in accordance with Section 110.03 of Roads and Bridges Specifications. This information will be submitted to the DCRM indicating number of employees in each work classification, their race and sex. All employees on site must be accounted for to include men and women, both journeymen level, trainees and apprentices.

The monthly reports will be submitted to each DCRM no later than the fifth of the month reflecting the previous months project site representation.

The annual employment report will be submitted to each DCRM for each state project no later than the second week of each August and should reflect all employees on site during the third week of July during which work is performed.

All reports indicating race will reflect the categories specified in Section 110.04 of Roads and Bridges Specifications.

### **RECORD KEEPING**

The RECIPIENT will maintain all records pertaining to the individual projects for three years after completion of each project. Records shall include but not be limited to contracts, subcontractors, purchase orders, material delivery tickets, lease agreements, joint check agreements, payments made to contractors, inspections and permits. This is in accordance with Section 110.03 of Roads and Bridges Specifications.

**FHWA Certifications**

1. An approved environmental document and all identified environmental commitments have been included in the plans and proposals, including the environmental certification.
2. All permits have been obtained.
3. All design is in accordance with appropriate design criteria, including any exceptions.
4. All right-of-way is clear or will be clear prior to project execution, R/W Certificate I, II or III dated month, day, year.
5. All utility and railroad relocations and certification have been included appropriately, or satisfactory arrangements have been made.
6. Determination whether the project meets the requirements of VDOT's Public Involvement Manual (approved by FHWA) in regards to public hearing process. "A public hearing was held or a willingness was posted (and expired without request) on project."
7. All appropriate federal aid project information, including Minimum Wage rates and EEO provisions, have been included.
8. Hazardous wastes have been identified, and when appropriate, provisions are provided within the proposals for their safe disposal.

## **Advertisement for Construction**

### **Va. Procurement Act Title 2.2-4300**

- Transportation references of let by CTB
- Contractor's license is not necessary when using VDOT prequalified contractor

### **Title 33 *Code of Virginia***

- Value Engineering on +\$5 million
- CTB Approval of projects above \$2 million
- Announce whether over the engineer's estimate
- Affidavit on contracting associations
- Submission of claims

### **Contract Administration**

Inspection and records must be in accordance with:

- Phase inspection manual
- Post Construction manual
- Materials manual
- Specifications
- Standards
- Change orders – below certain \$
- Could review plans for bidability
- List of items for bid package
  - Scope of work (Description of Project Construction)
  - Notice of Invitation to Bid
  - Instruction to Bidders
  - Payment Bond
  - Performance Bond
  - Insurance
  - Payment Method
  - Special Construction Instructions (Special Provisions)
  - Material Requirements
  - Davis Bacon Wage Rates
  - Federal Provisions
  - List of Items to be constructed

## Urban Allocations Paid Directly to the Urban Localities

### State Funding

Cash payments related to the state allocations (as determined by VDOT Programming/LAD staff) will be paid directly to the locality by VDOT on a quarterly basis (process to be determined).

### Federal Funding

Federal allocations will be made to the locality on a reimbursement basis at a project level (similar to the method currently used when the locality administers a state project).

VDOT will be responsible for billing FHWA to recoup federally participating costs. Since the federal agreement will be between VDOT and the Federal Highway Administration, it is imperative VDOT be able to support its billing requests. As a result, there will be more documentation required from the localities for costs that are to be federally reimbursed. Below is a summary of what might be required:

- The locality should submit a monthly project level invoice with supporting documentation to VDOT.
- Supporting documentation should include copies of any indirect cost invoices, and any related vendor invoices approved by the locality (for which payment to the vendor has been initiated by the locality) and a life to date project summary schedule tracking payment requests submitted by the locality, payments received from VDOT and any adjustments made over the life of the project (see sample on attachment A). When the invoice relates to internal labor provided by employees of the locality, the following basic information should be included with the reimbursement request:
  - Project ID
  - Period of Time Covered
  - Employee ID
  - Hours worked on Project
  - Hourly Rate Applied
  - Total Amount (Hours \* Rate)
- VDOT should make payment to the locality within 30 days after the receipt of the invoice.
- After payment is made to the locality, VDOT shall have a 30-day period to review the invoice and supporting documentation. If VDOT objects to any of the costs, it shall advise the city as to the costs it objects to, and VDOT shall make the adjustments necessary to correct for its objection on payment of the next invoice that is submitted at least 15 days after the locality receives notice of such objection. The locality shall notify VDOT if the locality does not agree with VDOT's objection and the dispute resolution shall be used to resolve such disagreement. If it is determined after such dispute resolution procedure that the cost was appropriate, the locality can then include such amount in an invoice and VDOT will make payment therefore.
- VDOT will bill FHWA to recoup the cash paid to the locality.
- The locality should agree to reimburse VDOT 100% of all related expenditures incurred which are not reimbursed by the Federal Highway Administration due to the recipient's failure to follow proper federal guidelines and/or the expenditures are found to be federally non-participating items.

### **Local Match**

The locality is required to supply 2% of the funding on each project in this program. VDOT will require the locality submit documentation to exhibit such funding is applied to each project. This should be done each time a request is made to VDOT for reimbursement of federally participating costs (reference Attachment A). In addition, the locality should report annually on the application of the 2% local share application for all projects, even those with no federal funding applied (reference Attachment B). The locality should maintain supporting documentation to support numbers reported on both schedules (A and B) and these documents should be retained as outlined below.

### **Records Retention**

- The locality will maintain accurate records of each project and documentation of all expenditures for a period of three (3) years after the final completion of a project unless there is federal funding on the project, in which case the locality will maintain such records for no less than three (3) years following the approval by the Federal Highway Administration of the final voucher. The locality will make such records available for inspection and/or audit by the Department at any time.



# APPENDIX K ATTACHMENT A

## SAMPLE LIFE TO DATE PROJECT SUMMARY SCHEDULE REQUEST FEDERAL REIMBURSEMENT (ATTACHMENT A)

City Name	Metropolis								
Project ID	00099999								
Project Description	Metropolis Blvd								
Invoice Number	121314								
Invoice Date	11/28/2004								
Invoice Amount	\$12,000								
						Project to Date			
Request Number	Invoice Number	Invoice Date	Invoice Amount	Adjustment Date	Adjustment Amount	Requests for Reimbursement	Project to Date Collected	Balance Outstanding	Comments
1	1234	7/31/2004	\$ 10,000.00		\$ -	\$ 10,000.00	\$ 10,000.00	\$ -	
2	5678	8/30/2004	5,300		-	15,300.00	15,300.00	-	
									Adjustment was made by VDOT due to transposition error on invoice 5678 (invoice amount should have been \$3,500 instead of \$5,300)
3	91011	10/30/2004	7,000	9/22/2004	(1,800.00)	20,500.00	20,500.00	-	
4	121314	11/28/2004	12,000		-	32,500.00	20,500.00	12,000.00	
<b><u>Project Funding Summary*</u></b>									
Total Federal Dollars Requested			\$ 32,500.00	80.00%					
State Dollars Applied			7,312.50	18.00%					
Local Match Applied			<u>812.50</u>	2.00%					
Total Project Expenditures to Date			<u>\$ 40,625.00</u>	100.00%					
*This scenario assumes all reimbursements requested of VDOT are eligible federally participating expenses.									

VDOT Fiscal Division  
02/09/04

## APPENDIX K ATTACHMENT B

SAMPLE ANNUAL PROJECT FINANCIAL STATUS REPORT  
(ATTACHMENT B)

City	Metropolis						
Date	06/30/2005						
Project ID	Project Status	Estimated/Actual Completion Date	Estimated/Actual Project Cost	Expenditures to Date	Federal Funding Applied	State Funding Applied	Local Match Applied
00075089	Closed	12/31/2004	\$ 10,000.00	\$ 10,000.00	N/A	\$ 9,800.00	\$ 200.00
00076000	Closed	10/30/2004	200,000.00	1,800,000.00	N/A	1,764,000.00	36,000.00
00084692	Open	8/31/2004	350,000.00	100,000.00	\$ 80,000.00	18,000.00	2,000.00
00092001	Not Started	12/31/2010	50,000.00	-	-	-	-
00099999	Open	6/30/2006	204,000.00	40,625.00	32,500.00	7,312.50	812.50
Total			\$ 814,000.00	\$ 1,950,625.00	\$112,500.00	\$1,799,112.50	\$ 39,012.50
<b>Summary:</b>							
FY05 Allocation Payments		\$ 5,000,000.00					
Less: State Allocations Applied		(1,799,112.50)					
Balance		\$ 3,200,887.50					

VDOT Fiscal Division  
02/09/2004

# APPENDIX L

## **SCHEDULE FOR SUBMISSION OF INFORMATION FOR PROJECT APPROVAL TO THE CHIEF ENGINEER OR COMMONWEALTH TRANSPORTATION BOARD FOR 2004**

<b>CTB MEETING DATE</b> (3 <sup>rd</sup> Thursday) or signature by Chief Engineer	<b>CTB PACKAGE TO</b> Malcolm T. Kerley CHIEF ENGINEER (1)	<b>CTB PACKAGE TO</b> Mohammad Mirshahi State L&D Engineer FOR REVIEW (2)	<b>PROJECT INFORMATION (RECOMMENDATION)</b> To Public Involvement Section (3)	<b>TRANSCRIPTS SUBMITTED</b> To Public Involvement Section For Distribution (4)
January 15, 2004 No Board Meeting	December 26, 2003	December 17, 2003	December 10, 2003	November 28, 2003
March 18, 2004	March 1, 2004	February 20, 2004	February 13, 2004	February 6, 2004
April 15, 2004	March 30, 2004	March 19, 2004	March 12, 2004	March 5, 2004
May 20, 2004	May 3, 2004	April 23, 2004	April 16, 2004	April 9, 2004
No Board Meeting	June 1, 2004	May 19, 2004	May 12, 2004	May 5, 2004
July 15, 2004	June 29, 2004	June 18, 2004	June 11, 2004	June 4, 2004
No Board Meeting	July 30, 2004	July 20, 2004	July 13, 2004	July 6, 2004
September 16, 2004	August 31, 2004	August 20, 2004	August 13, 2004	August 6, 2004
No Board Meeting	October 1, 2004	September 21, 2004	September 14, 2004	September 7, 2004
November 18, 2004	November 1, 2004	October 22, 2004	October 15, 2004	October 18, 2004
No Board Meeting				

(1) 17 DAYS BEFORE SCHEDULED CTB MEETING

(2) 10 DAYS BEFORE SUBMISSION TO CHIEF ENGINEER

(3) RECOMMENDATION DUE FROM ASSISTANT LOCATION & DESIGN ENGINEER, STRUCTURE & BRIDGE ENGINEER, ENVIRONMENTAL ENGINEER

(4) TRANSCRIPTS, RESIDENT ENGINEER., CONSTRUCTION ENGINEER., CITY RECOMMENDATION, TOWN, COUNTIES RESOLUTIONS ARE DUE ON THIS DATE

**DEPARTMENT OF TRANSPORTATION**  
**INTER-DEPARTMENTAL MEMORANDUM**  
**DESIGN EXCEPTION REQUEST**

To: \_\_\_\_\_ Date: \_\_\_\_\_

From: \_\_\_\_\_

Subject: DESIGN EXCEPTION REQUEST

Prepared by: \_\_\_\_\_

State Project Number: \_\_\_\_\_ Federal Project Number: \_\_\_\_\_

County/City: \_\_\_\_\_ District: \_\_\_\_\_ Funding Source: \_\_\_\_\_

Description: \_\_\_\_\_ PPMS # \_\_\_\_\_

Design Exception Request For:

_____ Design Speed	_____ Horizontal Clearance* (other than "clear zone")	_____ Vertical Clearance*
_____ Bridge Width*	_____ Horizontal Alignment	_____ Vertical Alignment
_____ Lane Width	_____ Sight Distance	_____ Cross Slope
_____ Shoulder Width	_____ Superelevation	_____ Grade
_____ Structural Capacity*	_____ <b>Interstate Access Control</b>	_____ Other

\* These are typically requested by the Bridge designer.

**Current ADT** \_\_\_\_\_ **Design ADT** \_\_\_\_\_

% Trucks \_\_\_\_\_ Design Speed \_\_\_\_\_ **VIII. Posted Speed** \_\_\_\_\_

Reduced Design Speed (if applicable) \_\_\_\_\_

Functional Classification \_\_\_\_\_

Minimum Design Standard \_\_\_\_\_ **Requested Dimensions** \_\_\_\_\_

**Total estimated construction cost of project:** \_\_\_\_\_  
 (Based on approval of this exception)

**Additional cost to meet minimum standard:** \_\_\_\_\_

Background description of project:

(Include a description of the general characteristics of the existing highway focusing on the features relevant to the proposed exception. Provide a brief description of the adjacent highway segments, highlighting existing nonstandard features when relevant to the proposed exception.)

## APPENDIX M

Purpose and need for exception, Why standards cannot be met:  
(include any future plan to upgrade this exception to standard)

Accident history for the past 3 years:

Effect of design exception on safety:

Any mitigation of the substandard design element (s):

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Submitted By: \_\_\_\_\_ Date \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Recommended for Approval By: \_\_\_\_\_ Date \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VDOT Approval By: \_\_\_\_\_ Date: \_\_\_\_\_  
State Location and Design Engineer

VDOT Approval By: \_\_\_\_\_ Date: \_\_\_\_\_  
State Structure and Bridge Engineer

FHWA Approval By: \_\_\_\_\_ Date \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Summary of Guidelines Table**

The following table is for projects fully administered by the cities (PE, RW and CN). This is also only for projects that are within the Urban System (i.e. this does not pertain to Interstates, NHS facilities or Primaries maintained by VDOT.). This also does not apply to CMAQ, RSTP, Safety projects, etc. Public Private Partnerships, Design/Builds, etc. are not addressed here either.

<b>Activity</b>	<b>Requirements for Federal Funded Projects</b>	<b>Requirements for State Funded Projects</b>
<b>Preliminary Engineering</b>		
Project Initiation	Cities request project be included in SYP Individual line items in SYP In non-attainment & maintenance area must be part of conforming LRP & TIP Cost estimates by Cities in PCES Expenses are on a reimbursable basis	Cities include projects in their CIP In non-attainment & maintenance area must be part of conforming LRP & TIP Receive quarterly payments of state funds for work
PE Authorization	Cities must receive authorization from VDOT before initiating work on a particular phase	Not needed
<b>Environmental Processes</b>		
SERP	Cities initiate VDOT performs admin portion	Same as federal
Preparation of Document	/FHWA determines level of document Cities prepare VDOT reviews to ensure compliance with fed/state requirements	If a regulatory agency other than FHWA requires a NEPA document, Cities are responsible for all preparation and coordination of document
Permits	Cities must secure all permits Cities must certify prior to construction that all permits have been secured	Same as federal
Hazardous Materials	Cities must certify that necessary action taken	Same as federal
<b>Consultant Procurement</b>	Cities must meet fed/state laws and will follow VDOT's Procurement Manual to do so	Same as federal
<b>Design</b>		
Value Engineering	Required for projects > \$5M Cities conduct and submit reports to VDOT	Same as federal
Location Approval	Must be approved by the	Same as federal

# APPENDIX N

Activity	Requirements for Federal Funded Projects	Requirements for State Funded Projects
	CTB	
Design Standards	AASHTO	Same as federal
Plan Reviews	VDOT will perform 3 plan reviews at: <ul style="list-style-type: none"> <li>➤ Pre public hearing</li> <li>➤ Pre Right-of-Way (including preliminary bridge plans)</li> <li>➤ Pre Construction (including 90% bridge plans)</li> </ul>	Department may initially conduct random reviews during project development Review preliminary bridge plans Cities must certify prior to construction that all design is in accordance with AASHTO VDOT to perform random post construction audits/reviews
Design Exceptions	VDOT must approve all exceptions to AASHTO standards	Same as federal
Public Involvement	Cities must meet fed/state laws and will follow Department Policy Memorandum 11.1	Same as federal
Design Approval	Chief Engineer	Cities must certify prior to construction that all design is in accordance with AASHTO
<b>Right-of-Way &amp; Utilities</b>		
Right-of-Way Reevaluation (Environmental)	Yes, Results may require additional coordination by City	Not needed
Authorization	Cities must receive authorization from VDOT before initiating work on a particular phase	Not needed
Land Acquisition	Right-of-Way & Utilities Manual (any avoidance of procedures therein will be approved in writing by VDOT prior to initiation)	Same as federal Cities must certify prior to construction that all land acquisition was done in accordance with federal and state laws (checklist being developed) VDOT to perform random post construction audits/reviews

APPENDIX N

Activity	Requirements for Federal Funded Projects	Requirements for State Funded Projects
Utility Relocation	Right-of-Way & Utilities Manual (any avoidance of procedures therein will be approved in writing by VDOT prior to initiation)	Same as federal Cities must certify prior to construction that all utility relocation was done in accordance with federal and state laws (checklist being developed) VDOT to perform random post construction audits/reviews
<b>Construction</b>		
PS&E Reevaluation (Environmental)	Yes, Results may require additional coordination by City	Not needed
Authorization	Cities must receive authorization from VDOT before initiating work on a particular phase	Not needed
Project Certification	Cities certify that necessary action taken (checklist outlining requirements being developed to include items such as Environmental, RW, Design, Coast Guard Permit, etc.) VDOT reviews to ensure compliance with fed/state requirements	Cities certify that necessary action taken (checklist outlining requirements being developed to include items such as Environmental, RW, Design, Coast Guard Permit, etc.) VDOT to perform random post construction audits/reviews
Advertisement/Contract Letting	Cities will advertise project CTB or Commissioner must approve award of contract	Same as federal
Change Orders/Funding Changes	Cities can approve change orders on non federal oversight projects Cities must determine from which projects the additional funds will come	Cities will oversee all change orders



APPENDIX N

Activity	Requirements for Federal Funded Projects	Requirements for State Funded Projects
Environmental Monitoring	VDOT will monitor periodically to ensure environmental commitments made in SERP/NEPA implemented	VDOT will monitor periodically to ensure environmental commitments made in SERP implemented
<b>Civil Rights</b>	Cities responsible in complying with Virginia Fair Employment Contracting Act, Title VI of the Civil Rights Act of 1964, provisions from the CFR pertaining to Disadvantaged Business Enterprises, On The Job Training Program, etc. VDOT will assist with various aspects of these programs and will monitor documentation from the Cities that the requirements have been met	Same as federal
<b>Post Construction</b>		
Bridge Plans	Cities to submit TIF File of “As-Built” to VDOT	Same as federal
Roadway Plans	Cities to submit TIF files of final plans to VDOT	Same as federal
<b>Fiscal/Audit/Budget</b>		
Audits/Compliance	VDOT may conduct random audits/reviews Cities must conduct a yearly independent audit of expenditures	Same as federal
Recovery of VDOT Costs	VDOT will not charge for general admin of program VDOT will charge for project specific items (SERP, plan reviews, etc.) VDOT will provide an estimate of these costs to the Cities VDOT/Cities will enter into separate agreements for major project development items requested to perform on the Cities’ behalf	Same as federal

**CRITERIA CHECKLIST FOR CONTRACT LETTING OR ADVERTISEMENT**

Date:

District Administrator:  
Hampton Roads District Address  
Project Number  
City:

Subject: Project Certification

Dear District Administrator:

Reference is made to the master agreement between the City of \_\_\_\_\_ and the Virginia Department of Transportation (VDOT) dated \_\_\_\_\_. This will certify that all right of way has been obtained and that the city has legal right of entry onto each and every parcel for the advertisement and construction of Project \_\_\_\_\_. Also, this will certify that all affected utilities have been relocated or companies authorized to relocate their facilities. If not, they are included as in-plan work to be performed by the road contractor.

This project consists of: (complete description from beginning to end of the location and the type of project, i.e. relocation of families and businesses, curb and gutter, intersection improvement, etc.)

In addition, to the best of our knowledge, there are no contaminants within the soil on the right of way within the referenced project limits.

Further, all the right of way was acquired in accordance with (VDOT) Right of Way and Utilities Manuals of instruction. Any exceptions have been previously approved in writing by VDOT. (If Federal Funds participated in this project reference to FHWA requirements should also be included.)

Attached is information confirming the right of way and utilities processes used.

\_\_\_\_\_  
City Manager or Director of Public Works

\_\_\_\_\_  
Date

## APPENDIX O

### MUNICIPALITIES CERTIFICATION PROCESS VERIFICATION

Right of way obtained by. (If by Consultant, required procurement procedures were followed.)

STAFF \_\_\_\_\_ CONSULTANT \_\_\_\_\_

Appraisals Reviewed by Licensed Appraiser other than person performing the appraisal and approved for negotiations by \_\_\_\_\_,  
Title \_\_\_\_\_.

YES \_\_\_\_\_ NO \_\_\_\_\_

Owners provided copy of approved Appraisal and Certified Title Report showing all persons with interests in land and all lien holders.

YES \_\_\_\_\_ NO \_\_\_\_\_

Plans fully explained to owner including profiles, if applicable, and copies given to owner.

YES \_\_\_\_\_ NO \_\_\_\_\_

If offer not accepted at first meeting, owner provided reasonable period to consider offer.

YES \_\_\_\_\_ NO \_\_\_\_\_

If offer refused, condemnation process was explained to owner.

YES \_\_\_\_\_ NO \_\_\_\_\_

Owners/Tenants fully informed of relocation benefits.

YES \_\_\_\_\_ NO \_\_\_\_\_ N/A \_\_\_\_\_

All displaced owners/tenants have been properly relocated and compensated in accordance with law

YES \_\_\_\_\_ NO \_\_\_\_\_

All environmental issues have been identified, addressed and resolved.

YES \_\_\_\_\_ NO \_\_\_\_\_

**Contracts requiring FHWA Concurrence**

1. The following must be sent to VDOT 15 days prior to *advertisement*
  - Request for authorization to advertise the project
  - The Engineer's Estimate
  - Copy of the proposal
  - Complete set of plans
  - Certification of compliance with the Va. Procurement Code and Code of Federal Regulations
  - FHWA Certifications (Appendix I)
2. After receipt of bids the following must be sent to VDOT 10 days prior to CTB Meeting
  - Narrative description of the project purpose. One paragraph in layperson's language
  - Detailed explanation if recommending a bid for award if over the EE
  - Tabulation of contractor's prices

Note: Complicated projects may necessitate that an engineer representing the locality attend the CTB meeting to answer questions about the project.

**Award needing CTB Approval**

After receipt of bids, the following must be sent to VDOT 10 days prior to CTB Meeting

- The Engineer's Estimate,
- Detailed explanation if recommending a bid for award if over the EE
- Copy of the proposal
- Tabulation of contractor's prices
- Certification of compliance with the Va. Procurement Code.
- Narrative description of the project purpose. One paragraph in layperson's language

Note: Complicated projects may necessitate that an engineer representing the locality attend the CTB meeting to answer questions about the project.

**PROCUREMENT CHECK LIST****For items below, check if present**

1. \_\_\_\_\_ Specifications
2. \_\_\_\_\_ Bidders Mailing List
3. \_\_\_\_\_ List of Bids Received
4. \_\_\_\_\_ Original Bids Returned, including no bids:# \_\_\_\_\_
5. \_\_\_\_\_ Proposal Bond (AS-66)  
Signatures: Principal \_\_\_\_\_ Surety Agent \_\_\_\_\_
6. \_\_\_\_\_ Standard Performance Bond/Payment Bond
7. \_\_\_\_\_ Proof of Insurance Contractor's License Number \_\_\_\_\_
8. \_\_\_\_\_ Price Reasonableness Determination For One Bid
9. \_\_\_\_\_ Sole Source Documentation – Public Notice
10. \_\_\_\_\_ Emergency Documentation – Public Notice
11. \_\_\_\_\_ Late Bid Letters
12. \_\_\_\_\_ Unsigned Bid Letters
13. \_\_\_\_\_ Rejection Letters
14. \_\_\_\_\_ Addenda
15. \_\_\_\_\_ Bid Cancellation Letters

Signature \_\_\_\_\_

## APPENDIX Q

### CONTACT TELEPHONE NUMBERS

#### LOCAL ASSISTANCE DIVISION (LAD)

Michael A. Estes, PE	804-786-2746
Reggie Beasley (Hampton Roads District Coordinator)	804-786-0335
Marvin Tart (Richmond District Coordinator)	804-786-2595

#### ENVIRONMENTAL DIVISION

Jackie Cromwell	804-371-6829
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#### CIVIL RIGHTS DIVISION (CRD)

Amanda Vallejo	804-786-2935
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#### EXTERNAL AUDIT

Judson Brown	804-225-3597
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#### FISCAL DIVISION

Stacy McCracken	804-786-2759
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#### LOCATION & DESIGN DIVISION (L&D)

Mohammad Mirshahi	804-786-2507
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#### SCHEDULING & CONTRACT DIVISION

Don Silies	804-786-1630
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#### STRUCTURE & BRIDGE DIVISION

George Clendenin	804-786-4575
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#### VALUE ENGINEERING

Ron Garrett	804-862-6266
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#### DISTRICTS

##### HAMPTON ROADS

##### BRIDGE SECTION

Timothy Felton	757-925-2689
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##### ENVIRONMENTAL SECTION

Jack McCambridge	757-925-2631
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##### RIGHT-OF-WAY SECTION

Warren Williams	757-925-2527
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##### WILLIAMSBURG RESIDENCY

Todd Halacy, Assistant Resident Engineer	757-253-5367
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## APPENDIX Q

### RICHMOND

#### BRIDGE SECTION

Fred Townsend

804-524-6138

#### ENVIRONMENTAL SECTION

Nicholas Froelich

804-524-6104

#### RIGHT-OF-WAY SECTION

David A. Schneider

804-524-6017

#### SANDSTON RESIDENCY

Robert Prezioso, Resident Engineer

804-328-3097